

**Title 30: Professions and Occupations**

**Part 2401: Administrative Law**

**Part 2401 Chapter 1: Rules and Regulations Adopted by the Mississippi State Board of Funeral Service on June 07, 1984, as amended March 17, 1997**

*Rule 1.1 Definitions.* As used herein, words and phrases shall have the meaning ascribed to such words and phrases by these Rules and Regulations and/or Title 73, Chapter 11 of the Mississippi Code of 1972, as amended.

Source: Miss. Code Ann. §73-11-41(Supp. 2011); and Miss. Code Ann. 73-11-49(7)(Rev. 2008).

**Part 2401 Chapter 2: General Provisions**

*Rule 2.1* The Chair, Vice-Chair, and Secretary-Treasurer shall serve as the Executive Committee and shall act on the Board's behalf subject to the approval of the Board.

Source: Miss. Code Ann. §73-11-49(1) and (7) (Rev. 2008).

*Rule 2.2* The Chair of the Board shall preside at all meetings of the Board unless otherwise Ordered, and he shall exercise and perform all duties and functions incident to the office of Chair of the Board.

Source: Miss. Code Ann §73-11-49(7)(Rev. 2008).

*Rule 2.3* The Vice-Chair shall serve in the absence of the Chair and shall otherwise aid and assist the Chair.

Source: Miss. Code Ann §73-11-49(7)(Rev. 2008).

*Rule 2.4* The Board shall, annually, at its first regular meeting of the fiscal year, or as soon thereafter as practicable, elect officers from the members of the Board, which officers shall serve one year or until their successors are elected and qualified.

Source: Miss. Code Ann §73-11-49(1) and (7) (Rev. 2012).

*Rule 2.5* The Executive Director of the Board shall have complete supervision and be held responsible for the Direction of the office of the Board and shall have supervision over filed inspections and enforcement of the provisions of Sections 73-11-41 et. seq.. of the Mississippi Code Annotated 1972, as amended, and the rules and regulations of the Board and shall be responsible and answerable to the Board. Such responsibilities shall include timely

dissemination of information as to the practice of funeral service and funeral directing and where facts on the legal facets can be obtained and who to contact to make inquiry or register a complaint. The Board shall keep a record of all meetings of the Board.

Source: Miss. Code Ann §73-11-49(4), (7) and (8)(Rev. 2012); and Miss. Code Ann. §25-41-11(Rev. 2010).

*Rule 2.6* Roberts Rules of Order, Revised, shall be the authority for settlement of disputes of parliamentary procedure.

Source: Miss. Code Ann §73-11-49(7)(Rev. 2012).

### *Rule 2.7* **PUBLIC RECORDS**

All public requests to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of the Mississippi State Board of Funeral Service (Board) must be submitted in writing to: the Executive Director, Mississippi State Board of Funeral Service, 3010 Lakeland Cove, Suite W, Flowood, Mississippi 39232. This rule is not intended to apply to any record or other document, which is exempted or privileged under the provisions of the Mississippi Public Records Act.

The written request must be typed or clearly hand printed on a letter size piece of paper and must specify in detail the public record(s) sought. The request must include a description of the type of record, dates, title of a publication, and other information which may aid in locating the record. No verbal or telephone requests for records will be accepted.

Under the Public Records Act, documents that are exempt from public access to records include, but are not limited to, personnel records, appraisal records, attorney communications and work products of attorneys, academic records, third party confidential commercial or financial information, licensure applications and examination records, and individual tax records.

Within seven (7) working days of the Board's receipt of a public records request, the Board shall review same and determine whether the records sought are exempt or privileged by law and shall either: i) produce the records; ii) allow access to records; iii) if the request is unclear or does not sufficiently identify the record sought, request clarification from the requestor; or iv) deny access to or production of the records sought. If the Board is unable to produce a public record by the seventh working day after the request is received, the Board will provide the requester with a written explanation stating that the record requested will be produced and specify the reason why the records cannot be produced within the seven-day period. Unless there is mutual agreement between the Board and the requester, the date for production of the requested record will be no later than fourteen (14) working days from the Board's receipt of the original public record request.

When a request for information is made for documents furnished to the Board by a third party, the Board will give notice of the request to the third party as required by the Public Records Act.

Such third party information will not be released without the prior written consent of the third party authorizing the release of the information and/or until the third party has been provided with notice of the public records request and an opportunity to seek a court order protecting such records from public review. No third party information will be released by the Board if the third party obtains a court order prohibiting the disclosure of such information.

When possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld from disclosure by the Board.

If the Board determines that the records requested are exempt or privileged under the law, the request shall be denied and the person making the request will be provided a statement of the specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years from the date such denials are made.

Public records of the Board are available for inspection and copying or reproduction during regular office hours (8:00 a.m. through 5:00 p.m., Monday through Friday) by appointment. All inspection, copying or mechanical reproduction of records must be done in the office of the Board. The time, place and manner of inspection and reproduction or copying will not be allowed to interfere with the official duties of the Board. The Board will not allow its records to be taken from the Board office.

The requester must pay the Board in advance all reasonably estimated costs of searching, obtaining from storage, reviewing, shipping and/or duplicating the requested records. Such payment must be sufficient to cover the actual costs to the Board of complying with the public records request. There shall be a charge of \$1.00 per page for each copy. Copies printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice being given to a third party, the cost of mailing such notice to the third party shall be charged to the requester. Cost of obtaining records from any state storage facilities and the search for the records shall be charged to the requester. If the actual cost of a public records request exceeds the estimated cost provided to the requester, the requester will be required to pay the Board the difference between the amounts paid in advance by the requester and the actual cost of supplying the record to the requester.

Payment by the public records requester must be made by money order or certified check.

The Board has also established a schedule of standard fees for frequently requested documents and information, directory or labels of licensees, and electronically accessible data.

Source: Miss. Code Ann §§73-11-49(7) and 73-11-56(Rev. 2012); and Miss. Code Ann. §§25-61-2, 25-61-5 and 25-61-7(Rev. 2010)

*Rule 2.8* The Board shall cause to be printed all forms required by Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, as amended, and the rules and regulations of the Board.

All notices required to be mailed shall be directed to the most recent address of the person or party appearing in the records at the Board office.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-51(5), ~~(7)~~ and (8) and 73-11-57(2)(Rev. 2008 & 2012 & Supp. 2014).

*Rule 2.9* Special meetings of the Board may be called by the Chair at anytime. Special meetings may also be called upon the written request of four (4) members, which request must specify the purpose of the meeting, and the Chair then shall call such a meeting. The Board shall cause notice of such special meeting to be given in a time and manner consistent with state law.

Source: Miss. Code Ann. §73-11-49(7) (Rev. 2012); and Miss. Code Ann. §25-41-13(Rev. 2012 & Supp. 2014).

#### *Rule 2.10 REPORTING TO THE BOARD*

In addition to any other requirement of the Board's rules or any statute pertaining to the funeral establishments and/or funeral service or funeral directing licensees, the following must be received, in writing, in the Board's office within fourteen (14) calendar days of the effective date of the change:

- (a) change in ownership of a funeral establishment;
- (b) change of location of a funeral establishment;
- (c) change in the identity of the licensee-in-charge of the funeral establishment;
- (d) change in the identity of the individual sponsoring an apprentice;
- (e) change in the licensed funeral establishment employing an apprentice;
- (f) a conviction of a felony or of any misdemeanor involving fraud, dishonesty or moral turpitude. As used herein, conviction shall include a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, an admission of guilt, or a plea of *nolo contendere*.

*Rule 2.11* Every funeral service licensee, funeral director and apprentice shall report to the Board in writing any change of his or her principal place of business and/or address of record no later than fourteen (14) calendar days after the change has occurred.

Source: Miss. Code Ann. §73-11-49(7) (Rev. 2012).

### **Part 2401 Chapter 3: Practice of Funeral Service and Funeral Directing**

*Rule 3.1* When the applicant for license for the practice of funeral directing or funeral service has complied with all requirements of Sections 73-11-51 of the Mississippi Code Annotated, 1972, as amended, and all rules and regulations of the Board concerning licensing, he shall be entitled to receive the license for which he is entitled.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(Rev. 2008).

*Rule 3.2* All applications must be submitted to the Board office, on forms furnished by the Board, and accompanied by the appropriate fee and supporting documentation, as set by the Board. Applications for licensing must be received by the Board office thirty (30) calendar days prior to the date of the next scheduled board meeting.

Source: Miss. Code Ann. §§73-11-49(7) 73-11-51(5), (7) and (8 )and 73-11-56(Rev. 2012 & Supp. 2014)

*Rule 3.3* The Board may require applicants for licensure to personally appear before the Board at the time the application is scheduled to be considered. An applicant for licensure as a funeral director must attain a passing score of at least seventy-five percent (75%) on the Funeral Service Arts Examination administered by the National Conference of Funeral Service Examining Boards.

An applicant for funeral service licensure must attain a passing score of at least seventy-five percent (75%) on each section of the examination, the Funeral Service Science Examination and the Funeral Service Arts, administered by the National Conference of Funeral Service Examining Boards.

Any examination fee which may be required shall be paid directly to the National Conference of Funeral Service Examining Boards.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(2), (3) (d) and (4) (e) (Rev. 2012 & Supp. 2014).

*Rule 3.4* No applicant for license for the practice of funeral directing will be allowed to take the State Board Examination prepared by the National Conference of Funeral Service Examining Boards unless he or she has successfully completed all the requirements as set forth in Section 73-11-51(3) of the Mississippi Code of 1972, as amended. The Executive Director of the Board may issue a temporary funeral service or funeral directing work permit before a permanent license is granted prior to the next regular meeting of the Board if, in the Executive Director's opinion, the applicant has met all requirements set forth in Section 73-11-51 of the Mississippi Code of 1972, as amended. The temporary permit shall expire at the next regular meeting of the Board, unless the permit is extended in accordance with Rule 3.5 of these Rules and Regulations.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-51and 73-11-56 (Rev. 2012 & Supp. 2014)

*Rule 3.5 Extension of Permit*

A permit may be extended upon written request, prior to expiration and upon a showing of good cause. The Executive Director is authorized to grant extensions of time not to exceed ninety (90) days per extension. Not more than two (2) extensions of time will be granted for any permit.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-51 and 73-11-56(Rev. 2012 & Supp. 2014)

*Rule 3.6* No funeral service or funeral directing license shall be issued or renewed for a period exceeding two (2) years and all licenses and renewals thereof shall expire and terminate the last day of June every two (2) years, unless sooner revoked or canceled.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(8) (Rev. 2012 & Supp. 2014).

*Rule 3.7* Each individual licensed by the Board shall prominently display his or her license at all times in a conspicuous location in such a manner that it may be seen by the general public at the funeral establishment where the licensee is employed or associated through contract or otherwise provides funeral services. In instances of multiple operations a funeral establishment, the license of personnel other than the licensee in may be displayed only at the principal site of employment. However, the licensee in charge of more than one establishment must display a duplicate photocopy of his or her license at each other establishment in which he or she is in charge.

Source: Miss. Code Ann. §73-11-49(7) (Rev. 2012).

*Rule 3.8* All persons holding a license for the practice of funeral service and funeral directing issued by the Board shall be issued a pocket certificate designating the type of license held and other such information as the Board deems necessary. The pocket certificate shall be carried on the person of the above mentioned licensee at all times he is performing the practice of funeral service or funeral directing in this state.

Source: Miss. Code Ann. §73-11-49(7) (Rev. 2012).

*Rule 3.9 Duplicate License*

1. Upon the loss, mutilation, or destruction of any license issued by the Board, the person or party holding such license may apply to the Board for a duplicate.
2. The application shall be made on the form prescribed by the Board and accompanied by the appropriate fee
3. The application for duplicate license shall be accompanied by a statement signed under oath or penalty of perjury stating the details of the circumstances under which the license was lost, mutilated, or destroyed and bearing a certification that such license was, in fact, lost, mutilated, or destroyed.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-56(Rev. 2012).

## **Part 2401 Chapter 4: Funeral Establishment**

### *Rule 4.1 GENERAL*

To be licensed by the Board, a funeral service establishment must meet the following minimum requirements:

(1) **Ownership.** The establishment shall be operated by a sole owner, a partnership, a limited liability partnership, a limited partnership, a limited liability company, corporation, or a subsidiary of a corporation or other business entity authorized to do business in the State of Mississippi.

A Mississippi-licensed funeral establishment must be in good standing and authorized to do business as a funeral establishment in the State of Mississippi by all applicable authorities.

(2) **Fixed place.** The establishment shall have a fixed place of business with a specific street address or physical location and shall conform to local zoning ordinances as evidenced by an occupancy permit issued by the proper local governmental entity authorizing the occupancy of a funeral service establishment at that location. Fixed place means that the establishment is affixed to the real property by roots, embedded in it, permanently resting upon it, or physically attached or fastened to the real property, as by means of cement, plaster, nails, bolts, or screws.

The establishment shall display a sign indicating its true name as registered with the Board. Such sign shall be conspicuously located at or near the main entrance and shall be visible from the exterior of the building. In the event that a funeral establishment closes or moves from the location, the logo or business signs must be removed.

A funeral establishment shall have, listed and in working order, at its registered address a business telephone, the number of which shall be indicated as the business telephone number. Any other telephone number also listed for the funeral firm shall be specifically designated as “residence telephone number,” “number to call if no answer,” or otherwise identified.

A funeral establishment that maintains a chapel, preparation room, or other facility in a building or portion physically separated from and/or located at a place designated by an address differing from the office, chapel, or other facilities of the applicant, the chapel, preparation room, or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. However, separate buildings or portions thereof connected by a private passageway, walk or driveway shall constitute a single funeral establishment.

(3) **Application.** The establishment must submit an application for an original license, or if appropriate, an application for a renewal license on forms provided by the Board. If a corporation or subsidiary thereof, partnership, limited liability partnership, limited partnership, or limited liability company, the application must, in addition to other requirements, be

accompanied by a copy of the certificate of incorporation, articles of organization, or certificate or agreement of formation, and any other document filed with the Mississippi Secretary of State, which allows the entity to do business in Mississippi.

(4) **Fee.** The required fee must also be submitted with the application for licensure

(5) **Inspection.** The establishment shall be inspected by a representative of the Board as follows:

- (a) prior to being initially licensed;
- (b) when there is a change in ownership;
- (c) any time when the inspection is part of the investigation of a complaint; and
- (d) random, unannounced, or periodically as determined or required by the Board.

Failure to cooperate with a Board inspection shall constitute grounds for discipline as provided by Section 73-11-57 of the Mississippi Code of 1972, as amended.

(6) **Existing Establishments.** Any establishment which has been issued an establishment license under a rule of the Board having different requirements for the physical structure of the establishment than in this Rule will be permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed until such time as a change of ownership, purchase, lease, or change of address of such establishment is made. In the event of such a change, the establishment must meet the current requirements of these rules.

(7) **Multiple Establishments at Same or Single Location**

- (a) The Board may issue more than one establishment license for a single location provided that each establishment is owned by the same individual, partnership, limited liability partnership, corporation, limited liability company or other business entity. If the Board issues more than one establishment license for a single location, the licensees shall ensure that the public will not be confused or deceived as to the establishment with which the public is interacting.
- (b) All new funeral establishments shall be inspected and shall receive a satisfactory inspection, as determined by the Board, prior to the issuance an establishment license and shall comply with the criteria set forth in Rule 4.2. Purposes of funeral establishment inspection sheets, each of the establishments shall be considered as if they constituted a single establishment.



(c) No more than three (3) funeral establishments shall operate in one facility unless, upon application, the Board in its discretion finds that permitting an additional establishment will be in the best interest of consumers.

(8) **Mobile Homes.** Mobile home, modular units, manufactured homes and similar mobile units are prohibited for use as a funeral establishment or branch thereof, except in the case of an emergency as prescribed by the Board. Such homes or units may be granted a replacement license on a case by case basis as determined by the Board.

(9) **Display of License.** The license of each funeral establishment shall be current and prominently displayed at all times in a conspicuous location in such a manner that the license may be seen by the general public.

The license of the licensee-in-charge and all funeral service licensees, funeral directors and apprentices employed by or working at the funeral establishment must be current and prominently displayed at all times in a conspicuous location in such a manner that the license may be seen by the general public.

Source: Miss. Code Ann. §§73-11-41(l), 73-11-49(7), 73-11-55, 73-11-57 and 73-11-69 (Rev. 2012).

#### *Rule 4.2 Types of Establishments*

(A) A **Full-Service Establishment** shall have the equipment for the conduct of embalming and funeral directing and shall comply with the federal Occupational Safety and Health Administration's regulations as they currently existed or as later revised. A Full-Service Establishment must contain the following:

1. A preparation room, along with all necessary equipment, in compliance with Section III below and all other local, state and federal laws, rules and regulations;
2. Restrooms facilities in compliance with all applicable federal, state and local health requirements;
3. Chapel or other separate room for conducting funeral services in compliance with Rule 4.5 hereof;
4. Office space for making arrangements in accordance with Section V hereof; and
5. Casket selection room.

(B)(1) A **Branch Funeral Establishment** that does not meet all of the requirements in Section II(1) for a Full-Service Establishment must be within seventy-five (75) miles of the Full-Service Establishment and has the authority to conduct funeral arrangements, visitations and ceremonies only. A Branch Establishment shall contain a restroom and available drinking water. In addition, a Branch Establishment that conducts funeral arrangements must have an area where funeral

ceremonies or visitations may be conducted and a separate area for confidential conferences to arrange funeral services.

The license for a Branch Establishment is also dependent upon and shall be operated under the supervision and ownership of a Full-Service Funeral Establishment.

(2) If a Branch Establishment is more than seventy-five (75) miles from the Full-Service Establishment and/or engages in the care and preparation of the dead human body, it must meet the requirements of a Full-Service Establishment.

(3)(a) A **Mortuary Service Establishment** shall have authority to embalm dead human bodies and to transport dead human bodies to and from a funeral establishment. A Mortuary Service Establishment is prohibited from the care and preparation of dead human bodies other than by embalming and shall also be prohibited from making funeral arrangements or embalming arrangements with any party other than a licensed funeral establishment designee, cremating, conducting visitations and funeral ceremonies, furnishing any funeral service in connection with the disposition of dead human bodies, and/or selling of funeral merchandise.

Mortuary Service Establishments shall meet all requirements for a full service establishment, except that:

(b) Requirements. A Mortuary Service Establishment shall have a preparation room or embalming room meeting the requirements as set forth below in Rule 4.3.

(c) Prohibition. A Mortuary Service Establishment is prohibited from maintaining a selection room.

(C) **Services limited to licensed funeral establishments.** A Mortuary Service Establishment may provide its services only to licensed funeral establishments anywhere in the United States, or in any foreign country which licenses funeral service establishments.

(D) **Crematory.** A crematory shall have authority to cremate dead human bodies and to transport dead human bodies to and from a funeral establishment. It must have a functioning cremation chamber meeting the requirements established by the Board. A Crematory is prohibited from the care and preparation of dead human bodies other than by cremating, and is also prohibited from embalming, making funeral arrangements or cremation arrangements with any party other than a licensed funeral establishment designee, conducting visitations and funeral ceremonies, furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise.

Source: Miss. Code Ann. §§ 73-11-49(7), 73-11-55 and 73-11-69 (Rev. 2012).

#### *Rule 4.3 Preparation Room*

No embalming of a body of a deceased person shall be performed in a funeral establishment

except in a room set aside exclusively for embalming or other preparation of a body of a deceased person (hereinafter referred to as the “preparation room”). Such preparation room and equipment, instruments and articles contained therein shall be maintained and kept in a clean and sanitary condition. The preparation room must also meet the following minimum requirements:

(1) Construction. The walls, floor, and ceiling must be covered with tile or other hard, smooth, impervious washable material.

The preparation room must contain at least 120 square feet of floor space. The preparation, disinfection, embalming, washing, dressing and casketing or other care of a body of a deceased person shall take place only in such room. The room shall contain only articles and equipment necessary for such preparation. The embalming table must have rust proof metal, porcelain, or fiberglass top, with edges raised at least 3/4 inches around the entire table and drain opening at the lower end.

(2) Ventilation. The room shall have permanently installed and operable exhaust fan and intake vent in accordance with the Occupational Safety and Health Act (OSHA).

(3) Equipment. The room shall be equipped and provided with hot and cold running water, a utility sink, and sufficient cabinets, closets or shelves for all instruments and supplies. The room shall contain sufficient supplies and equipment for normal operation. Nothing in this subsection, however, shall require embalming chemicals to be stored in the preparation room. The room shall have no excess equipment stored, other than equipment necessary for preparing dead human remains, and performing necessary restorative art work.

All instruments and appliances used in the embalming of a dead human body must be thoroughly cleansed and sterilized by boiling or immersion for ten minutes in a one percent solution of chlorinated soda or an equivalent disinfectant immediately at the conclusion of each embalming.

Facilities shall exist for the proper disinfection of embalming instruments and the embalming table.

(4) Openings covered. All outside openings shall be covered with screens.

(5) Interior view. Measures must be taken to prevent a view of the interior of the room through any open door or window.

(6) No public use. The preparation room shall not have a passageway available for public use. The doors shall be tight-closing and rigid, and any windows of the room shall be so maintained as to obstruct any view into such room.

No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the Mississippi licensed funeral establishment where the human body is being embalmed, members of the family of the deceased, persons authorized by

the members of the family of the deceased, or any person otherwise authorized by law.

(7) Plumbing. The preparation room shall be equipped with sanitary plumbing connected with sewer, cesspool, septic tank, or other Department of Health approved system.

(8) **Preparation room log/Case Report.** Every funeral establishment must have available in the preparation room a log book or case report. The log book or case report shall list the name of each human remains received at this location including the date and time the remains were received, the place (if other than at the establishment) the care or preparation of the remains (e.g., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, and the name, signature, and license number of the embalmer(s) and, if applicable, apprentice(s). If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and, where applicable, apprentice(s). The log book or case report must be in a binder and must be available at all times in full view for the Board inspector. A sample of the embalming log is in the Appendix to these Rules and Regulations.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.4 Selection Room.* The selection room shall be devoted solely to the purpose of providing a means for the public to make a reasonable selection of funeral service merchandise. Such selection room shall meet the following minimum requirements:

(1) Caskets. Each funeral establishment shall maintain an inventory of not less than six (6) adult caskets at the location or twenty four (24) quarter panel or a combination of both. .

(2) Equipment. The selection room shall have no excess equipment stored, other than equipment necessary for the proper display of funeral service merchandise.

(3) Condition. The room shall be maintained in a clean, neat, and orderly fashion at all times.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.5 Other Rooms.* (1) The establishment may have other rooms, offices, and other facilities, including restrooms for the staff and public lounge areas. All rooms and facilities shall be maintained in a clean, neat, and orderly fashion at all times.

(2) In addition to the above requirements, a full service funeral establishment must, minimally, include the following.

(a) Public Viewing. A chapel or repose room, containing at least 300 square feet of floor space, to be used exclusively for public viewing and/or the conduct of funeral services.

(b) Office. An arrangement office, to be used exclusively for making funeral arrangements and for other related business matter.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.6 Vehicles.* If offered, the funeral establishment shall have the necessary automotive vehicles to provide adequate service to the public. This shall not prohibit the establishment from arranging to lease, borrow, or otherwise arrange for extra vehicles when needed.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.7 Personnel.*

(1) Funeral Licensee

(a) Each funeral service establishment, except the branch establishment that does not engage in the care and preparation of the body, shall have an employment, contractual or other relationship with at least one full-time licensed funeral director or funeral service practitioner who shall be designated as the licensee-in-charge of the operation of the establishment. Each establishment must have a sufficient number of other licensed individuals to adequately serve the public.

(b) The licensee-in-charge shall reside and maintain a permanent residence within seventy (75) miles of the establishment for which he or she serves as licensee-in-charge.

(c) In the event the licensee-in-charge becomes no longer in charge of said funeral establishment, then the establishment and the licensee-in-charge have the responsibility of notifying the Board of such change within fourteen (14) calendar days. In such event, a new establishment license application must be submitted along with the appropriate fee prescribed by the Board.

(D) If exigent circumstances, as determined by the Board, warrant additional time to facilitate a licensee-in-charge change, upon good cause shown and with written agreement by a licensed funeral director to assume responsibility in the interim, the Board may grant up to ninety (90) additional days for an establishment to employ the new licensee-in-charge.

(2) Licensed Funeral Service Practitioner. Each full-service funeral establishment must either employ a funeral service licensee full-time or have a funeral service licensee available to embalm dead human remains. The funeral service licensee shall be listed on the establishment application, renewal form, and in the preparation room log book or case report.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.8 Prohibition.* The issuance of a funeral service establishment license to an individual not licensed by the Board does not entitle the individual to practice funeral directing or funeral

service.

Source: Miss. Code Ann. §§ 73-11-49(7), 73-11-51, and 73-11-69 (Rev. 2012 & Supp. 2014).

*Rule 4.9 License Expiration and Renewal.* Once issued, all original funeral establishments' licenses shall expire on December 31 of the year of issue. Thereafter, a funeral establishment may make application for renewal of the existing original license. All renewals expire on the thirty-first day of December unless sooner revoked or canceled. The renewed license renewal application shall contain information as prescribed by the Board. All establishment licenses issued expire on the thirty-first of December for the year issued

Source: Miss. Code Ann. §§ 73-11-49(7), 73-11-55, 73-11-56 and 73-11-69 (Rev. 2012).

*Rule 4.10 Transferability.* No establishment license is transferable from one party to another, or from one location to another.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55(7) (Rev. 2012).

*Rule 4.11 Change in Name, Ownership or Location*

(1) Whenever the ownership, location, or name of the Mississippi licensed establishment is changed, a new license shall be obtained. Upon change of ownership or change of address or change of name, a new establishment license application must be submitted to the Board within thirty (30) calendar days of said change. The appropriate fees and disclosures (including percentages of ownership) must accompany the application.

(2) In the case of a change in ownership or change in name, the Board Executive Director may issue a special work permit allowing an existing establishment to continue to conduct the business of that establishment for a period of ninety (90) calendar days or until the next regularly scheduled Board. The permit must be applied for at least fourteen (14) calendar days prior to the change.

(3) For the purpose of these rules, a change of ownership shall occur whenever the parties originally owning or holding more than a 50% stake in an entity owning the establishment are transferring ownership in the funeral establishment or entity owning the funeral establishment such that he/she/they/it no longer hold(s) more than a 50% controlling interest in the establishment or entity.

Controlling interest means i) an interest in a partnership of greater than fifty percent (50%); or greater than fifty percent (50%) of the issued and outstanding shares of a stock of a corporation. If the establishment or crematory is operated by a business entity, any transfer of the ownership of fifty percent (50%) or more of the entity constitutes a change of ownership.

(4) If a change of ownership is caused by the elimination of one (1) or more owners, for

whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form shall be filed as an amended application within fourteen (14) calendar days after the change of ownership.

(5) If a corporation, individual or party begins ownership of a licensed funeral establishment or ceases ownership of a licensed funeral establishment, a new establishment license shall be obtained regardless of the relationship of the previous or subsequent owner to the corporation, individual or party.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-56 and 73-11-69 (Rev. 2012).

## **Part 2401 Chapter 5: LICENSEE IN CHARGE**

*Rule 5.1* The licensee in charge is responsible for the day to day operation of the funeral establishment. He or she must be employed twenty-five (25) hours per week during the calendar year (January through December) at the funeral establishment and i) must be on the premises and ready to make funeral arrangements for, or to respond to, persons entering the establishment during normal business hours of the establishment or ii) must be in a position to be notified of persons entering the establishment and to respond to them in person or telephonically within two (2) hours to set up an appointment for a face to face meeting with them during normal business hours of the establishment.

The licensee in charge shall be responsible for ensuring that all persons employed or working for the establishment comply with all applicable laws and the Board's rules and regulations. Nothing contained herein, however, shall be construed to absolve funeral establishments and other parties from liability for their violations of such laws, rules and regulations.

No licensee may serve as the licensee-in-charge of more than one (1) funeral establishment without the express written authorization of the Board. With the written authorization of the Board, a funeral directing or funeral service licensee, upon good cause shown that such is in the public interest, may serve as a licensee-in-charge of more than one (1) funeral establishment but in no event may any such individual be the licensee-in-charge of more than three (3) funeral establishments. Further, all of the establishments shall be under the same ownership, and no establishment shall be more than a seventy-five (75)-mile radius from the most centrally located establishment contained in the funeral establishment license application.

The licensee-in-charge shall reside and maintain a permanent residence within seventy-five (75) miles of the establishment for which he or she serves as the licensee-in-charge.

In the event the licensee-in-charge becomes no longer in charge of said funeral he or she must notify the Board of such change within fourteen (14) calendar days. In such event, a new

establishment license application must be submitted along with the appropriate fee prescribed by the Board.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-55 (3) and 73-11-69 (Rev. 2012).

## **Part 2401 Chapter 6: RESIDENT TRAINEE**

### *Rule 6.1 Definitions.*

(1) “Supervision” means that a Mississippi-licensed funeral director or a Mississippi funeral service licensee, as appropriate, is:

(a) Physically present with the apprentice; and

(b) Personally observing and guiding the activities of the apprentice.

(2) “Supervisor” means the Mississippi-licensed funeral director or a Mississippi-funeral service licensee, as appropriate, who is the supervisor of record as registered with the Board office.

(3) “Supervisor's designee” means a Mississippi-licensed funeral director or a Mississippi funeral service licensee, as appropriate, who has been approved by the supervisor of record to supervise an apprentice and is employed by the funeral establishment.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

### *Rule 6.2 Apprenticeship Registration.*

(1) Each apprentice for funeral directing and funeral service shall meet the educational requirements specified in Section 73-11-51 of the Mississippi Code of 1972, as amended, and then successfully complete a funeral director or funeral service, as appropriate, apprenticeship to be considered eligible to take the license examination.

(2) Prior to beginning an apprenticeship, an applicant shall:

(a) File an apprenticeship application on the form prescribed by the Board; and

(b) Pay the applicable registration fee.

(3) No apprentice shall perform the practice of funeral service or the practice of funeral directing unless the apprentice is doing so under the personal supervision of a Mississippi licensed funeral service practitioner or funeral director.

(4) The funeral directing or funeral service apprentice registration or certification authorizes the apprentice to engage in the practice of funeral directing or funeral service only during the period of apprenticeship. Once the apprenticeship has ended, the funeral apprentice registration shall become null and void.



(5) The apprenticeship shall be served only at the funeral establishment and locations designated in the Board records.

(6) The effective date of the apprenticeship will be the date identified on the Board issued apprenticeship certificate. A letter will be sent notifying the apprentice of the status of his or her apprenticeship or application.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-51(1) and (3) and 73-11-53 (Rev. 2012).

*Rule 6.3 Supervisor.*

(1) An apprenticeship shall be served under the Board-approved supervisor.

(2) Funeral service licensees and funeral directing licensees who seek approval from the Board as a supervisor of record shall:

(a) Be working and located in the same licensed establishment or establishments as the apprentice he or she is supervising; and

(b) Be responsible for ensuring that the apprentice complies with the provisions of Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the administrative rules and regulations of the Board.

(3) Apprentices may receive supervision by licensees other than the supervisor of record as designated by the approved supervisor and as filed for record in the Board's office. However, the supervisor of record that approve other licensees to provide supervision for an apprentice shall remain responsible for the actions of the apprentice and for the quality of the delegated supervision.

(4) Any time served in a funeral directing or funeral service apprenticeship under the direction or supervision of any person other than the Board approved supervisor or supervisor's designee shall not be credited toward the apprenticeship requirements

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

*Rule 6.4 Supervision of Apprentices.*

(1) No credit shall be allowed for resident traineeship unless that traineeship is served in this State in an establishment licensed by the Board.

(2) Supervision of funeral service apprentices. The funeral service apprentice must assist in the embalming of at least twenty-five (25) human bodies and must also assist in the planning and disposition of human bodies, as described below in subsection (6) (b) of this Rule, which must be completed during no less than twelve (12) and no more than twenty-four (24) continuous months under the personal supervision of the Board approved supervisor or designee.

(3) Supervision of funeral director apprentices. The funeral directing apprentice must assist in the planning of at least fifty (50) funerals or dispositions, as described below in subsection(6)(c) of this Rule, which must be completed during no less than twenty-four (24) and no more than thirty (30) continuous months under the personal supervision of the Board approved supervisor or designee.

(4) The apprentice shall maintain a work schedule documenting the sixty-four (64) hours per month that he or she has worked at the location of the apprenticeship. The work schedule shall identify:

(a) The daily work schedule of the apprentice, including beginning and ending times; and

(b) The days on which the apprentice does not work.

(5)The Board may, in its discretion, allow a resident trainee credit under a registration for the time actually served under a previous registration in this state; provided, that if the previous registration has been suspended or revoked for cause, not more than seventy-five percent (75%) of the time previously served shall be credited on the registration.

(6) The supervisor shall instruct an apprentice and ensure that an apprentice receives experience in all aspects of funeral directing or embalming, as applicable to the individual's apprenticeship.

(a) The instruction shall include:

- i. The laws and rules relating to the profession, including Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the rules and regulations of the Board; and
- ii. The theory and application of funeral directing or embalming.

(b) The training and work assignments for the funeral service apprentice shall cover the following service items:

- i. Initial call details;
- ii. Removals;
- iii. Embalming;
- iv. Restorative art treatment;
- v. Posing of the features and positioning of the body;
- vi. Bathing and cosmetizing of bodies;

- vii. Dressing and casketing of bodies;
- viii. Recordkeeping;
- ix. Purchasing of necessary supplies;
- x. Preparation of autopsied bodies;
- xi. Care and maintenance of equipment and embalming room; and
- xii. Professional responsibility.

(c) The training and work assignments for the funeral directing apprentice shall cover the following service items:

- i. Initial call details;
- ii. Removals;
- iii. Counseling of families on the types of services and merchandise available;
- iv. Arrangements of funeral services and merchandise;
- v. Preparing death certificates and documents;
- vi. Preparing applications for certain death benefits, such as Social Security, Veterans Administration, insurance companies and lodges;
- vii. Preparing newspaper notices;
- viii. Conducting visitations or memorial services;
- ix. Directing funerals and graveside services;
- x. Follow-up service to the family after the funeral service has been completed;
- xi. Recordkeeping;
- xii. Purchasing of necessary supplies;
- xiii. Caring for equipment and premises; and
- xiv. Professional responsibility.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

*Termination, Changing and Reestablishing an Apprenticeship*

- (1) The certificate of apprenticeship must be issued to the applicant as an apprentice to a specified licensee. If the apprentice intends to change the licensee to whom apprenticed, he or she must immediately file a request for approval of the transfer with the Board and pay the required fee.
- (2) The apprentice shall notify the Board in writing of any termination of employment, change of supervisor or change of employment within fourteen (14) calendar days of the termination or change. Notice of a change of supervisor or change of employment must include the name of the apprentice and the date on which the termination or change occurred.
- (3) A supervisor shall notify the Board in writing of any termination of employment, change of supervisor or change of employment of an apprentice within fourteen (14) calendar days of the termination or change. Notice of a change of supervisor must include the date on which the termination or change occurred.
- (4) An apprentice whose apprenticeship is terminated at the establishment originally identified to the Board shall, within fourteen (14) days of being employed by another establishment:
  - (a) Notify the Board in writing of the change in employment and apprenticeship; and
  - (b) Complete a new registration as set out in Rule 6.2 of this Rule which is signed by the funeral directing or funeral service licensee who will be the apprentice's new supervisor of record.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

*Quarterly Reports*

- (1) An apprentice shall file quarterly reports with the Board on forms approved by the Board concerning the apprentice's progress during the preceding three (3) months in the practice of funeral directing or funeral service, as appropriate.

Quarterly case reports must be signed by both the apprentice and the approved licensee under whose supervision the work was done, and filed with the Board or postmarked by the fifteenth (15<sup>th</sup>) calendar day of the following month.

- (2) The quarterly apprenticeship report shall include the following information:
  - (a) The names and dates of funerals in which the apprentice for a funeral director's license assisted in managing during each three-month period;
  - (b) The names and dates of embalming cases in which the funeral service apprentice assisted during each three (3)-month period; and

(c) The names of the service items set forth above in Section 4 of specifically identified for each case in which the apprentice assisted during each three (3)-month period.

(3) With the first quarterly report, an apprentice shall file a report written by him or her summarizing the requirements of Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the Board's rules and regulations.

(4) If the apprentice has received supervision from funeral directing or funeral service licensee other than the supervisor identified on the application for apprenticeship, the supervisor of record shall still be responsible for:

i) The activities of the apprentice;

ii) Quarterly report; and

iii) The certification of completion of cases and service items identified in the report.

(5) If the quarterly report is not timely submitted, that quarter shall not be counted toward successful completion of the apprenticeship. Timely submission of a quarterly report shall be within fifteen (15) calendar days following the conclusion of the quarter.

(6) The quarterly apprenticeship reports shall be reviewed by the Board and/or its designee to determine if the apprentice's progress in the practice of funeral directing or funeral service, as applicable, is acceptable or unacceptable.

(7) The apprentice and his or her supervisor must furnish records documenting his supervision to the Board upon request of the Board or its designee or representative.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

*Rule 6.7 End of Apprenticeship Term.*

(1) An apprentice or resident trainee certification is valid only for twelve (12) months. Subject to Rule 6.8 and the approval of the Board, the funeral apprenticeship certification may be renewed upon application of the apprentice and payment of the required fee.

(2) Supervision. If the Board determines that the progress of the apprentice is unacceptable in one or more of the quarters of the apprenticeship, the apprentice shall be required to successfully complete one or more additional quarters of the funeral apprenticeship.

(3) If an apprentice does not become licensed as a funeral director or funeral service practitioner within five (5) years of completing his or her apprenticeship, the Board may require the individual to complete all or part of the apprenticeship period.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

#### *Rule 6.8 Re-registration*

Any person who is registered as a Mississippi funeral directing apprentice is required to complete this apprenticeship for funeral directing within thirty (30) months of the date of the Board-issued certification. The funeral service apprentice must complete this apprenticeship within eighteen (18) months of the date of certification issued by the Board.

The funeral directing and funeral service apprenticeship is not intended as a long-term method of practicing funeral directing and/or funeral service in the absence of progress toward licensure. Accordingly, a funeral directing apprentice shall not be allowed to register with the Board for more than two (2) apprenticeship periods, unless otherwise approved by the Board for good cause demonstrated by the apprentice. A funeral service apprentice shall not be allowed to register with the Board for more than three (3) apprenticeship periods, unless otherwise approved by the Board for good cause demonstrated by the apprentice.

The funeral director or funeral service apprentice certification authorizes the trainee to engage in the practice of funeral service or funeral directing only during the period of the Board-approved apprenticeship. Once the apprenticeship is successfully completed as defined by these rules and regulations, the funeral director or funeral service apprentice registration or certification becomes null and void and the individual will no longer be authorized to act as an apprentice but must obtain the appropriate license from the Board in order to practice funeral service or funeral directing.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

### **Part 2401 Chapter 7: Reciprocity (Out-of-State Licenses)**

*Rule 7.1* Applicants for licensure by reciprocity/endorsement who hold a valid license from another state may be eligible for licensure in Mississippi provided:

1. The applicant must submit the required license application and all appropriate fees
2. The applicant provides evidence satisfactory to the Board that he or she holds a valid, unrevoked, and unexpired license as a funeral service practitioner or funeral director in another state having substantially similar requirements to the requirements for licensure as either an embalmer or funeral director in this state including a copy of his/her original license issued by the other state.
3. The applicant possesses a license in good standing in all states in which the applicant is licensed.
4. The applicant must not be the subject of any pending or unresolved complaint, investigation or disciplinary proceeding or action in any state or jurisdiction in which the applicant holds or has held a license. The applicant must provide all

information, including any information or documentation requested by the Board, in connection with any pending or unresolved complaint, investigation or disciplinary action for the Board's review. The pendency of any complaint or disciplinary action or proceeding will be considered by the Board as a reason for denying licensure by reciprocity.

5. The Board receives a certification from the licensing board of the state or territory from which the applicant seeks a reciprocal license showing the applicant to be in good standing with the Board and whether the reciprocal applicant has ever been subject to discipline or if there are any complaints pending against the reciprocal applicant.
6. The applicant provides proof of his or her educational and professional qualifications which shall be substantially equivalent to the requirements existing in Mississippi at the time he or she was originally licensed.
7. Sufficient evidence is presented to the Board showing that the applicant has achieved a score of seventy-five percent (75%) or better on the National Board Funeral Service Arts Examination provided by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, if applying for only a funeral director license; or

For reciprocal license issued from and after 2002, sufficient evidence must be presented to the Board showing that the applicant for a funeral service license has achieved a score of seventy-five percent (75%) or better on the National Board Funeral Service Arts Examination and a score of seventy-five percent (75%) or better on the National Board Funeral Service Examination administered by the National Conference of Funeral Service Examining Boards; or

For reciprocal license issued prior to 2002, the applicant for reciprocal funeral service licensure must show evidence satisfactory to the Board that the applicant has successfully passed the National Board Examination as administered by the National Conference of Funeral Service Examining Boards. The examination must have included two (2) sections, funeral service arts and funeral service sciences, and the applicant must have received a cumulative average score of at least 75 percent on the sections with not less than 70 percent on either of these two sections. The applicant must also provide documentation satisfactory to the Board, including an attestation from his or her employing funeral establishment, showing that the applicant has been engaged in the active practice of funeral service as a licensed embalmer and licensed funeral director continuously for a minimum of five (5) years immediately before the date of the Board's receipt of the reciprocal application.

8. The applicant must not have committed any act which could result in denial of a license or discipline pursuant to Section 73-11-57 of the Mississippi Code of 1972, as amended.

9. The applicant must not have been subject to any disciplinary action in any state or other jurisdiction related to the practice of funeral directing of funeral service or related to any other profession for which the applicant is licensed, certified, registered or legally recognized to practice including resignation from practice, revocation, suspension, withdrawal or surrender of the applicant's license, certificate or registration as a result of or during the pendency of disciplinary proceedings or investigation for potential disciplinary action.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2012 & Supp. 2014).

*Rule 7.2* All applications for reciprocal licenses must be submitted to the Board office sixty (60) days prior to the next scheduled meeting of the Board, must be made on forms furnished by the Board, and must be accompanied by a fee as set by the Board.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2012 & Supp. 2014).

*Rule 7.3* No reciprocal funeral service or funeral director license will be issued on the basis of another reciprocal.

Source: Miss. Code Ann. §73-11-49(7)(Rev. 2012).

*Rule 7.4* The acceptance of the application as a basis for granting of a reciprocal license is within the sound discretion of the Board.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2012 & Supp. 2014).

*Rule 7.5* The Executive Director or Board designee may issue a temporary funeral service or funeral directing work permit before a license is granted, prior to the next regular meeting of the Board, if in the Executive Director's or designee's opinion, the applicant for reciprocal license has met all requirements state above. Before a permanent license may be issued the applicant must meet with the Board at the next regularly scheduled meeting after the issuance of the work permit. Failure to meet the Board shall deem the application for reciprocity as abandoned and shall require a new application process. The temporary permit shall expire at the next regular meeting of the Board, unless the permit is extended in accordance with Rule 3.5 of these Rules and Regulations.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7) (Rev. 2012 & Supp. 2014).

## **Part 2401 Chapter 8: Refusal to examine, grant, or renew licenses; Revocation or suspension; Grounds; Hearings**



*Rule 8.1* The Board may refuse to examine, or issue or renew, or reprimand, or may suspend or revoke, any license, or may place the holder thereof on a term of probation, after proper hearing, upon finding the holder of such to be guilty of acts of commission including the following:

1. A license has been issued through error to any person or establishment.
2. Making a false statement or representation regarding the qualification, training, or experience of any application for training, examination, and licensing.
3. Gross or willful malpractice of the science of embalming or funeral directing, including but not limited to detaining a dead human body for payment for unauthorized services.
4. Knowingly and willfully making a false statement to the Board.
5. Knowingly, willfully, fraudulently, and/or falsely signing a death certificate as having embalmer or prepared a body when in fact someone else did it or signing the name and license number of an embalmer who did not embalm the body.
6. Solicitation of dead human bodies for the purpose of having the body turned over to a particular establishment, or coercing or discouraging the removal of a dead human body from one establishment to another by detaining a dead human body for a fee in the absence of an agreement authorizing services to be rendered said agreement having been executed by a person with legal authority to do so. Each funeral establishment shall keep a record of the name, address and relationship to the deceased of each person authorizing services and the date of said authorization.
7. Violation of any provision of the laws, rules or regulations pertaining to the practice of funeral directing or funeral service or funeral establishment.
8. Failure of a licensee to make all records available for inspection or examination upon request by the Board or Board designee, or failure to otherwise fully cooperate with any inspection or investigation of a licensee, including failure to comply with a subpoena issued by the Board or to respond to a Board inquiry or communication within the time specified by the Board.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-57(1)(Rev. 2012).

*Rule 8.2* It shall be the duty of the Board or its designee to investigate or prefer charges, or both, upon finding of cause, against any licensee who is accused of violating any law, rule, or regulation of the State Board of Funeral Service or is accused of gross or willful malpractice of the practice of funeral service or funeral directing, or the science of embalming. Upon initiation of such investigation written certified notice shall be given to the licensee of the alleged violations(s):

1. Whenever the Board shall have cause to believe that any person to whom a license has been issued has become unfit to practice as a funeral service or funeral directing licensee, or has violated any of the provisions of Section 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, as amended or any rule or regulation of the Board, or whenever written complaint, on forms furnished by the Board, charging the holder of a license with the violation of any provision of Section 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, as amended, or any rule or regulation prescribed, is filed with the Board, it shall be the duty of the Board to conduct an investigation. Upon receipt of notification to a formal complaint the licensee must make a written response to the complaint within twenty (20) days from receipt thereof. Failure to respond to the complaint shall be deemed as admission of the allegations contained therein.
2. If from such investigation it shall appear to the Board that there is cause to suspect that the alleged violations have been committed, the licensee shall be notified by the certified mail of the alleged facts and violations and that these allegations could lead to suspension or revocation of his license. The Board may, after notice of hearing and upon satisfactory proof that the applicant or licensee is guilty of the violations enumerated in the notice the Board shall take such action as is deemed appropriate by the Board. In addition to any penalty levied by the Board the respondent shall be assessed with the costs of the hearing, including the cost of service of process, court reporters, expert witnesses and investigators. If the licensee acknowledges the alleged violations in writing, then no hearing shall be required and the Board shall take such action as it deems appropriate. Any member of the Board shall have the right to administer oaths to witnesses.
3. If the agency finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.
4. The Board chair may grant a continuance of a hearing for good cause shown. Requests for continuances will be made in writing. The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing. The Board will grant no more than two (2) continuances.
5. Appeals of the decisions of the Board shall be perfected in a manner consistent with Section 73-11-57 of the Mississippi Code of 1972, amended. The expenses of the appeal shall be borne by the appealing party.
6. Appeals of the decisions of the Board shall be made according to Section 73-11-57 of the Mississippi Code of 1972, as amended.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-57(1) (Rev. 2012).

## **Part 2401 Chapter 9: DISCLOSURES**

**Rule 9.1.** Funeral providers shall make all disclosures required by the rules of the Federal Trade Commission (FTC) and shall provide accurate and up-to-date information on price lists for funeral goods and services offered. Copies of the price lists used by the funeral establishment or funeral provider must be on file with the Board before the list is used.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1) (p) (v), and 73-11-61 (Rev. 2012).

**Rule 9.2.** General Price List (GPL). The funeral provider must give a printed or typewritten GPL for retention to persons who inquire in person about funeral goods or funeral services offered by the funeral establishment. The funeral provider must present the GPL for retention to the person with whom he or she begins discussion of any of the following: the type of funeral or disposition; prices of funeral goods or funeral services; or specific funeral goods or funeral services offered by the funeral establishment.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1) (p) (v), and 73-11-61 (Rev. 2012).

**Rule 9.3.** Casket and outer burial container price lists (CPL and OBCPL). The funeral provider must show a printed or typewritten price list to people who inquire in person about the offering or prices of funeral merchandise including caskets, alternative containers and outer burial containers. The price list must be offered upon the beginning of discussion of, but in any event before showing the funeral merchandise. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information required by the FTC on the printed or typewritten list, and display it in a clear and conspicuous manner on or immediately next to the merchandise or service.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1) (p) (v), and 73-11-61 (Rev. 2012).

**Rule 9.4.** Price lists must reflect the prices that the funeral establishment or provider will actually charge the consumer for the funeral goods and services selected. Price Lists shall contain the information included in:

Appendix I – General Price List;

Appendix II – Casket Price List, Outer Burial Container Price List

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1)(p)(v), and 73-11-61 (Rev. 2012).

## **Rule 9.5 STATEMENTS OF FUNERAL GOODS AND SERVICES SELECTED**

**1.** Every funeral establishment and/or the funeral directing or service licensee shall give or cause to be given to the person or persons making funeral arrangements, at the time such arrangements are completed and prior to the time of rendering the service and/or providing the

merchandise, a written statement showing:

- A. the price of the service that the person or persons have selected and what is included therein;
  - B. the price of each of the supplemental items of service and/or merchandise required;
  - C. the amount involved for each of the items for which the firm will advance monies as an accommodation of the family; and
  - D. the method of payment.
2. If the funeral establishment charges for purchasing a cash advance item, or if it receives and retains a rebate, commission, or trade or volume discount for a cash advance item, it must make the following disclosure:
- “We charge you for our services in obtaining: (specify cash advance items).”
3. At the conclusion of arrangements, the itemized statement of goods and services shall be signed by the purchaser or consumer and the funeral service or directing licensee.
4. Form of the statement is included in: Appendix III – Itemized Statement of Funeral Goods and Services Selected.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1) (p) (v), and 73-11-61 (Rev. 2012).

## **Title 30: Professions and Occupations**

### **Part 2401: Administrative Law**

#### **Part 2401 Chapter 1: Rules and Regulations Adopted by the Mississippi State Board of Funeral Service on June 07, 1984, as amended March 17, 1997**

*Rule 1.1 Definitions.* ~~The terms “Board,” “Embalming,” “License for funeral establishment,” “License for the practice of funeral directing,” “License for the practice of funeral service,” “Practice of funeral service,” “resident trainee,” and “solicitation” are as defined in Section 73-11-41 of the Mississippi Code Annotated, 1972. As used herein, words and phrases shall have the meaning ascribed to such words and phrases by these Rules and Regulations and/or Title 73, Chapter 11 of the Mississippi Code of 1972, as amended.~~

Source: Miss. Code Ann. §73-11-41(Supp. 2011); and Miss. Code Ann. 73-11-49(7)(Rev. 2008).

#### **Part 2401 Chapter 2: General Provisions**

*Rule 2.1* The Chair~~man~~, Vice-Chair~~man~~, and Secretary-Treasurer shall serve as the Executive Committee and shall act on the Board’s behalf subject to the approval of the Board.

Source: Miss. Code Ann. §73-11-49(1) and (7) (Rev. 2008).

*Rule 2.2* The Chair~~man~~ of the Board shall preside at all meetings of the Board unless otherwise Ordered, and he shall exercise and perform all duties and functions incident to the office of Chair~~man~~ of the Board.

Source: Miss. Code Ann §73-11-49(7)(Rev. 2008).

*Rule 2.3* The Vice-Chair~~man~~ shall serve in the absence of the Chair~~man~~ and shall otherwise aid and assist the Chair~~man~~.

Source: Miss. Code Ann §73-11-49(7)(Rev. 2008).

*Rule 2.4* ~~The Treasurer shall give bond to the State of Mississippi in such sum as the Board may Direct, and any premium payable for such bond shall be paid from the funds of the Board. Such~~

~~Bond shall be deposited with the State of Mississippi. The Board shall, annually, at its first regular meeting of the fiscal year, or as soon thereafter as practicable, elect officers from the members of the Board, which officers shall serve one year or until their successors are elected and qualified.~~

Source: Miss. Code Ann §73-11-49(3 1) and (7) (Rev. 2008 2012).

*Rule 2.5* ~~The Secretary of the Board shall be the Executive Officer of the Board and shall be the Board's designee to whom the Administrator of the Board shall be responsible and answerable. The Administrator of the Board shall have complete supervision and be held responsible for the Direction of the office of the Board and shall have supervision over filed inspections and Enforcement of the provisions of Sections 73-11-41 et. Seq. of the Mississippi Code Annotated 1972, and the rules and regulations of the Board and shall be responsible and answerable to the Board. Such responsibilities shall include timely dissemination of information as to the practice of funeral service and funeral directing and where facts on the legal facets can be obtained and who to contact to make inquiry or register a complaint. The Secretary shall keep a record of all meetings of the Board. The Executive Director of the Board shall have complete supervision and~~  
be held responsible for the Direction of the office of the Board and shall have supervision over filed inspections and enforcement of the provisions of Sections 73-11-41 et. seq. of the Mississippi Code Annotated 1972, as amended, and the rules and regulations of the Board and shall be responsible and answerable to the Board. Such responsibilities shall include timely dissemination of information as to the practice of funeral service and funeral directing and where facts on the legal facets can be obtained and who to contact to make inquiry or register a complaint. The Board shall keep a record of all meetings of the Board.

Source: Miss. Code Ann §73-11-49(4), (7) and (8)(Rev. 2008 2012); and Miss. Code Ann. §25-41-11(Rev. 2010).

*Rule 2.6* Roberts Rules of Order, Revised, shall be the authority for settlement of disputes of parliamentary procedure.

Source: Miss. Code Ann §73-11-49(7)(Rev. 2008 2012).

#### *Rule 2.7* **PUBLIC RECORDS**

~~The Board shall keep a record in which shall be registered at least the name and address of every person and establishment to whom licenses have been granted in accordance with Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, the number and date of such license, and the date of each renewal thereof.~~

- ~~1. The Board shall supply on request, within fourteen (14) working days, any public records of the Board, including a copy of the Law, Rules, and Regulations then in force, upon a fee as set by the Board.~~

- ~~2. The Board shall supply on request, with fourteen (14) working days, a list of all persons and funeral establishments licensed by the Board then in force giving the names of such persons or establishments, their address, and the number of their license upon a fee as set by the Board.~~
- ~~3. A fee, as set by the Board, may be charged for furnishing any records of the Board.~~

~~Source: Miss. Code Ann §§73-11-49(7) and 73-11-56(Rev. 2008); and Miss. Code Ann. §§25-61-2, 25-61-5 and 25-61-7(Rev. 2010)~~

All public requests to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of the Mississippi State Board of Funeral Service (Board) must be submitted in writing to: the Executive Director, Mississippi State Board of Funeral Service, 3010 Lakeland Cove, Suite W, Flowood, Mississippi 39232. This rule is not intended to apply to any record or other document, which is exempted or privileged under the provisions of the Mississippi Public Records Act.

The written request must be typed or clearly hand printed on a letter size piece of paper and must specify in detail the public record(s) sought. The request must include a description of the type of record, dates, title of a publication, and other information which may aid in locating the record. No verbal or telephone requests for records will be accepted.

Under the Public Records Act, documents that are exempt from public access to records include, but are not limited to, personnel records, appraisal records, attorney communications and work products of attorneys, academic records, third party confidential commercial or financial information, licensure applications and examination records, and individual tax records.

Within seven (7) working days of the Board's receipt of a public records request, the Board shall review same and determine whether the records sought are exempt or privileged by law and shall either: i) produce the records; ii) allow access to records; iii) if the request is unclear or does not sufficiently identify the record sought, request clarification from the requestor; or iv) deny access to or production of the records sought. If the Board is unable to produce a public record by the seventh working day after the request is received, the Board will provide the requester with a written explanation stating that the record requested will be produced and specify the reason why the records cannot be produced within the seven-day period. Unless there is mutual agreement between the Board and the requester, the date for production of the requested record will be no later than fourteen (14) working days from the Board's receipt of the original public record request.

When a request for information is made for documents furnished to the Board by a third party, the Board will give notice of the request to the third party as required by the Public Records Act. Such third party information will not be released without the prior written consent of the third party authorizing the release of the information and/or until the third party has been provided

with notice of the public records request and an opportunity to seek a court order protecting such records from public review. No third party information will be released by the Board if the third party obtains a court order prohibiting the disclosure of such information.

When possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld from disclosure by the Board.

If the Board determines that the records requested are exempt or privileged under the law, the request shall be denied and the person making the request will be provided a statement of the specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years from the date such denials are made.

Public records of the Board are available for inspection and copying or reproduction during regular office hours (8:00 a.m. through 5:00 p.m., Monday through Friday) by appointment. All inspection, copying or mechanical reproduction of records must be done in the office of the Board. The time, place and manner of inspection and reproduction or copying will not be allowed to interfere with the official duties of the Board. The Board will not allow its records to be taken from the Board office.

The requester must pay the Board in advance all reasonably estimated costs of searching, obtaining from storage, reviewing, shipping and/or duplicating the requested records. Such payment must be sufficient to cover the actual costs to the Board of complying with the public records request. There shall be a charge of \$1.00 per page for each copy. Copies printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice being given to a third party, the cost of mailing such notice to the third party shall be charged to the requester. Cost of obtaining records from any state storage facilities and the search for the records shall be charged to the requester. If the actual cost of a public records request exceeds the estimated cost provided to the requester, the requester will be required to pay the Board the difference between the amounts paid in advance by the requester and the actual cost of supplying the record to the requester.

Payment by the public records requester must be made by money order or certified check.

The Board has also established a schedule of standard fees for frequently requested documents and information, directory or labels of licensees, and electronically accessible data.

Source: Miss. Code Ann §§73-11-49(7) and 73-11-56(Rev. 2012); and Miss. Code Ann. §§25-61-2, 25-61-5 and 25-61-7(Rev. 2010)

*Rule 2.8* The Board shall cause to be printed all forms required by Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, as amended, and the rules and regulations of the Board. All notices required to be mailed shall be directed to the ~~last known post office address of the~~



party to whom the notice is sent. most recent address of the person or party appearing in the records at the Board office.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-51(5), ~~(7)~~ and (8) and 73-11-57(2)(Rev. 2008 & 2012 & Supp. 2014).

~~Rule 2.10~~ 2.9 The Board shall adopt a common seal. Special meetings of the Board may be called by the Chair at anytime. Special meetings may also be called upon the written request of four (4) members, which request must specify the purpose of the meeting, and the Chair then shall call such a meeting. The Board shall cause notice of such special meeting to be given in a time and manner consistent with state law.

Source: Miss. Code Ann. §73-11-49(7) (Rev. 2012); and Miss. Code Ann. §25-41-13(Rev. 2012 & Supp. 2014).

Source: ~~Miss. Code Ann. §73-11-49(7)(Rev. 2008).~~

~~Rule 2.9~~ 2.10 REPORTING TO THE BOARD ~~The Board shall, annually, at its first regular meeting of the fiscal year, or as soon thereafter as practicable, elect officers from the members of the Board, which officers shall serve one year or until their successors are elected and qualified.~~  
In addition to any other requirement of the Board's rules or any statute pertaining to the funeral establishments and/or funeral service or funeral directing licensees, the following must be received, in writing, in the Board's office within fourteen (14) calendar days of the effective date of the change:

- (a) change in ownership of a funeral establishment;
- (b) change of location of a funeral establishment;
- (c) change in the identity of the licensee-in-charge of the funeral establishment;
- (d) change in mailing address of any funeral director, funeral service licensee or apprentice;
- (e) change in the identity of the individual sponsoring an apprentice;
- (f) change in the licensed funeral establishment employing an apprentice;
- (g) change in any other information required to be submitted on an application or form filed with the Board; and
- (h) a conviction of a felony or of any misdemeanor involving fraud, dishonesty or moral turpitude. As used herein, conviction shall include a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of

guilt, an admission of guilt, or a plea of *nolo contendere*.

Source: Miss. Code Ann. §73-11-49(7) (Rev. 2012).

Source: ~~Miss. Code Ann. §73-11-49(1) and (7)(Rev. 2008).~~

~~*Rule 2.11* Special meetings of the Board may be called by the Chairman at anytime. Special meetings may also be called upon the written request of four (4) members, which request must specify the purpose of the meeting, and the Chairman or Secretary then shall call such a meeting. The Secretary shall cause notice of such special meeting to be given in a time and manner consistent with state law. In addition thereto, the Mississippi Funeral Directors Association and the Mississippi Funeral Directors and Morticians Association shall be notified of the meeting.~~

Source: ~~Miss. Code Ann. §73-11-49(7)(Rev. 2008); and Miss. Code Ann. §25-41-13(Rev. 2010).~~

~~*Rule 2.12* The Board shall become a member of the Conference of Funeral Service Examining Boards of the U.S., Inc. and the Board, in its discretion, may request members of the Board to attend the meetings of the said conference at the expense of the Board.~~

Source: ~~Miss. Code Ann. §73-11-49(7)(Rev. 2008).~~

### **Part 2401 Chapter 3: ~~Licensing and Examination~~ Practice of Funeral Service and Funeral Directing**

*Rule 3.1* When the applicant for license for the practice of funeral directing or funeral service has complied with all requirements of Sections 73-11-51 of the Mississippi Code Annotated, 1972, as amended, and all rules and regulations of the Board concerning licensing, he shall be entitled to receive the license for which he is entitled.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(Rev. 2008).

*Rule 3.2* All applications must be submitted to the Board office, on forms furnished by the Board, and accompanied by the appropriate fee and supporting documentation, as set by the Board. Applications for ~~examination and~~ licensing must be received by the Board office thirty (30) calendar days ~~sixty (60) days prior to the date of the examination.~~ Applications for ~~licensing must be received by the Board thirty (30) days prior to the date of the next scheduled board meeting.~~

Source: Miss. Code Ann. §§73-11-49(7) ~~and 73-11-51(5), (7) and (8)(Rev. 2008).~~ and 73-11-56(Rev. 2012 & Supp. 2014)

*Rule 3.3* ~~Examinations shall be held at a time and place as set by the Board on the third (3<sup>rd</sup>)~~

~~Thursday of February and August of each year and such other times as the Board may deem necessary and expedient. The Board may require applicants for licensure to personally appear before the Board at the time the application is scheduled to be considered. An applicant for licensure as a funeral director must attain a passing score of at least seventy-five percent (75%) on the Funeral Service Arts Examination administered by the National Conference of Funeral Service Examining Boards.~~

An applicant for funeral service licensure must attain a passing score of at least seventy-five percent (75%) on each section of the examination, the Funeral Service Science Examination and the Funeral Service Arts, administered by the National Conference of Funeral Service Examining Boards.

Any examination fee which may be required shall be paid directly to the National Conference of Funeral Service Examining Boards.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(2), (3) (d) and (4) (e) (Rev. 2012 & Supp. 2014).

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(3)(d)(Rev. 2008).~~

~~*Rule 3.4* All applicants for a license to practice funeral service and funeral directing shall appear before the Board and be given a written and/or oral examination on subjects generally taught by mortuary schools, colleges, or universities accredited by the American Board of Funeral Service Education (or any other successor recognized by the United States Department of Education) and such other subjects as the Board may deem necessary.~~

- ~~1. The applicant must attain a minimum passing score of seventy-five percent (75%).~~
- ~~2. The Board may require or accept, in lieu of its own written examination, the taking and passage (75%) of the National Board Examination of the Conference of Funeral Service Examining Boards.~~
- ~~3. The Board shall be responsible for suggesting a source of study materials for the funeral director applicants based upon the Board's examination for license at the time the applicant officially begins his training period.~~

No applicant for license for the practice of funeral directing will be allowed to take the State Board Examination prepared by the National Conference of Funeral Service Examining Boards unless he or she has successfully completed all the requirements as set forth in Section 73-11-51(3) of the Mississippi Code of 1972, as amended. The Executive Director of the Board may issue a temporary funeral service or funeral directing work permit before a permanent license is granted prior to the next regular meeting of the Board if, in the Executive Director's opinion, the applicant has met all requirements set forth in Section 73-11-51 of the Mississippi Code of 1972, as amended. The temporary permit shall expire at the next regular meeting of the Board, unless the permit is extended in accordance with Rule 3.5 of these Rules and Regulations.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-51 and 73-11-56 (Rev. 2012 & Supp. 2014)  
~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(2), (3)(d) and (4)(e)(Rev. 2008).~~

*Rule 3.5 Extension of Permit* ~~An applicant whose application is accepted, but who shall fail to be present for the state examination, unless such absence is approved by the Board, or one who shall fail the state examination shall only be entitled to the return of the license fee paid. Applicants whose applications for examinations are not accepted by the Board shall be entitled to a return of the examination and license fees accompanying said application.~~

A permit may be extended upon written request, prior to expiration and upon a showing of good cause. The Executive Director is authorized to grant extensions of time not to exceed ninety (90) days per extension. Not more than two (2) extensions of time will be granted for any permit.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-51 and 73-11-56(Rev. 2012 & Supp. 2014)  
~~Source: Miss. Code Ann. §73-11-49(7)(Rev. 2008).~~

*Rule 3.6* ~~No applicant for license, for the practice of funeral directing will be allowed to take the State Board Examination unless they have successfully completed all the requirements as set forth in Section 73-11-51, Sub-Section (3) of the Mississippi Code Annotated 1972. No applicant for the practice of funeral service will be allowed to take the State Board Examination unless they have successfully completed all the requirements as set forth in Section 73-11-51, Sub-Section (4) of the Mississippi Code Annotated, 1972, except for the resident traineeship. The Administrator of the Board may issue a temporary funeral service or funeral directing work permit before a permanent license is granted, prior to the next regular meeting of the Board, if in the Administrator's opinion, the applicant for license has met all requirements stated above. Before a permanent license may be issued the applicant must meet with the Board at the next regularly scheduled meeting after the issuance of the work permit. The temporary permit shall expire at the next regular meeting of the Board. No funeral service or funeral directing license shall be issued or renewed for a period exceeding two (2) years and all licenses and renewals thereof shall expire and terminate the last day of June every two (2) years, unless sooner revoked or canceled.~~

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(8) (Rev. 2012 & Supp. 2014).  
~~Source: Miss. Code Ann. §§73-11-49(7), 73-11-51 and 73-11-56(Rev. 2008).~~

*Rule 3.7* ~~The license for the practice of funeral service and funeral directing shall be signed by the Chairman, Vice Chairman, and Secretary of the Board and the seal of the Board affixed thereto. No license shall be issued or renewed for a period exceeding two (2) years and all licenses and renewals thereof shall expire and terminate the last day of June every two (2) years after June of 1984, unless sooner revoked and canceled; provided that the date of expiration may be changed by unanimous consent of the Board and upon ninety (90) days written notice of such change to all unanimous consent of the Board and upon ninety (90) days written notice of such~~

~~change to all persons licensed for the practice of funeral service and funeral directing in this state. Each individual licensed by the Board shall prominently display his or her license at all times in a conspicuous location in such a manner that it may be seen by the general public at the funeral establishment where the licensee is employed or associated through contract or otherwise provides funeral services. In instances of multiple operations a funeral establishment, the license of personnel other than the licensee in may be displayed only at the principal site of employment. However, the licensee in charge of more than one establishment must display a duplicate photocopy of his or her license at each other establishment in which he or she is in charge.~~

Source: Miss. Code Ann. §73-11-49(7) (Rev. 2012).

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(8)(Rev. 2008); and Miss. Code Ann. §§25-43-3.103 and 25-43-3.108(Rev. 2010).~~

~~Rule 3.8 Any holder of a license granted under Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, where the granting of such license was based on the holding of a previous license or registration in this state where the previous license did not grant the holder the authority or right to embalm human bodies, the license granted to such person under Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, shall not confer on him the right and authority to embalm unless such person has further qualified under Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, and the rules and regulations of the Board for the authority and right to embalm. All persons holding a license for the practice of funeral service and funeral directing issued by the Board shall be issued a pocket certificate designating the type of license held and other such information as the Board deems necessary. The pocket certificate shall be carried on the person of the above mentioned licensee at all times he is performing the practice of funeral service or funeral directing in this state.~~

Source: Miss. Code Ann. §73-11-49(7) (Rev. 2012).

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(Rev. 2008).~~

~~Rule 3.9 Duplicate License All persons holding a license for the practice of funeral service and funeral directing issued by the Board shall have same registered within thirty (30) days in the office of the Circuit Clerk in the county in which he resides.~~

- ~~1. Upon the loss, mutilation, or destruction of any license issued by the Board, the person or party holding such license may apply to the Board for a duplicate.~~
- ~~2. The application shall be made on the form prescribed by the Board and accompanied by the appropriate fee~~
- ~~3. The application for duplicate license shall be accompanied by a statement signed under oath or penalty of perjury stating the details of the circumstances under which the license was lost, mutilated, or destroyed and bearing a certification that such license was, in fact, lost, mutilated, or destroyed.~~

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-56(Rev. 2012).

Source: ~~Miss. Code Ann. §73-11-49(7)(Rev. 2008).~~

~~Rule 3.10 All persons holding a license issued by the Board shall display same in a conspicuous place in the licensed establishment where he is employed.~~

Source: ~~Miss. Code Ann. §73-11-49(7)(Rev. 2008).~~

~~Rule 3.11 All persons holding a license for the practice of funeral service and funeral directing issued by the Board shall be issued a pocket certificate designating the type of license held and other such information as the Board deems necessary. The pocket certificate shall be carried on the person of the above mentioned licensee at all times he is performing the practice of funeral service or funeral directing in this state.~~

Source: ~~Miss. Code Ann. §73-11-49(7)(Rev. 2008).~~

~~Rule 3.12 In cases where an original license issued by the board has been lost or destroyed, the Board may issue a duplicate license, provided the licensee furnishes an affidavit stating how the original license was lost or destroyed. Said affidavit shall be accompanied by a fee set by the board.~~

Source: ~~Miss. Code Ann. §§73-11-49(7) and 73-11-56(Rev. 2008).~~

~~Rule 3.13 It is the responsibility of every licensee to provide the Board with notification of a changed address.~~

Source: ~~Miss. Code Ann. §73-11-49(7)(Rev. 2008).~~

## **Part 2401 Chapter 4: Funeral Establishment**

~~Rule 4.1 GENERAL All applications for a funeral establishment license must be submitted to the Board office, on forms furnished by the Board, and accompanied by the appropriate fee, as set by the Board. Such application must be sworn to by owner and the funeral service and/or funeral directing licensee in charge of such establishment. To be licensed by the Board, a funeral service establishment must meet the following minimum requirements:~~

~~(1) **Ownership.** The establishment shall be operated by a sole owner, a partnership, a limited liability partnership, a limited partnership, a limited liability company, corporation, or a subsidiary of a corporation or other business entity authorized to do business in the State of Mississippi.~~

~~A Mississippi-licensed funeral establishment must be in good standing and authorized to do business as a funeral establishment in the State of Mississippi by all applicable authorities.~~

(2) **Fixed place.** The establishment shall have a fixed place of business with a specific street address or physical location and shall conform to local zoning ordinances as evidenced by an occupancy permit issued by the proper local governmental entity authorizing the occupancy of a funeral service establishment at that location. Fixed place means that the establishment is affixed to the real property by roots, embedded in it, permanently resting upon it, or physically attached or fastened to the real property, as by means of cement, plaster, nails, bolts, or screws.

The establishment shall display a sign indicating its true name as registered with the Board. Such sign shall be conspicuously located at or near the main entrance and shall be visible from the exterior of the building. In the event that a funeral establishment closes or moves from the location, the logo or business signs must be removed.

A funeral establishment shall have, listed and in working order, at its registered address a business telephone, the number of which shall be indicated as the business telephone number. Any other telephone number also listed for the funeral firm shall be specifically designated as “residence telephone number,” “number to call if no answer,” or otherwise identified.

A funeral establishment that maintains a chapel, preparation room, or other facility in a building or portion physically separated from and/or located at a place designated by an address differing from the office, chapel, or other facilities of the applicant, the chapel, preparation room, or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. However, separate buildings or portions thereof connected by a private passageway, walk or driveway shall constitute a single funeral establishment.

(3) **Application.** The establishment must submit an application for an original license, or if appropriate, an application for a renewal license on forms provided by the Board. If a corporation or subsidiary thereof, partnership, limited liability partnership, limited partnership, or limited liability company, the application must, in addition to other requirements, be accompanied by a copy of the certificate of incorporation, articles of organization, or certificate or agreement of formation, and any other document filed with the Mississippi Secretary of State, which allows the entity to do business in Mississippi.

(4) **Fee.** The required fee must also be submitted with the application for licensure

(5) **Inspection.** The establishment shall be inspected by a representative of the Board as follows:

(a) prior to being initially licensed;

(b) when there is a change in ownership;

(c) any time when the inspection is part of the investigation of a complaint; and

(d) random, unannounced, or periodically as determined or required by the Board.

Failure to cooperate with a Board inspection shall constitute grounds for discipline as provided by Section 73-11-57 of the Mississippi Code of 1972, as amended.

(6) **Existing Establishments.** Any establishment which has been issued an establishment license under a rule of the Board having different requirements for the physical structure of the establishment than in this Rule will be permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed until such time as a change of ownership, purchase, lease, or change of address of such establishment is made. In the event of such a change, the establishment must meet the current requirements of these rules.

(7) **Multiple Establishments at Same or Single Location**

(a) The Board may issue more than one establishment license for a single location provided that each establishment is owned by the same individual, partnership, limited liability partnership, corporation, limited liability company or other business entity. If the Board issues more than one establishment license for a single location, the licensees shall ensure that the public will not be confused or deceived as to the establishment with which the public is interacting.

(b) All new funeral establishments shall be inspected and shall receive a satisfactory inspection, as determined by the Board, prior to the issuance an establishment license and shall comply with the criteria set forth in Rule 4.2. Purposes of funeral establishment inspection sheets, each of the establishments shall be considered as if they constituted a single establishment.

(c) No more than three (3) funeral establishments shall operate in one facility unless, upon application, the Board in its discretion finds that permitting an additional establishment will be in the best interest of consumers.

(8) **Mobile Homes.** Mobile home, modular units, manufactured homes and similar mobile units are prohibited for use as a funeral establishment or branch thereof, except in the case of an emergency as prescribed by the Board. Such homes or units may be granted a replacement license on a case by case basis as determined by the Board.

(9) **Display of License.** The license of each funeral establishment shall be current and prominently displayed at all times in a conspicuous location in such a manner that the license may be seen by the general public.

The license of the licensee-in-charge and all funeral service licensees, funeral directors and



apprentices employed by or working at the funeral establishment must be current and prominently displayed at all times in a conspicuous location in such a manner that the license may be seen by the general public.

Source: Miss. Code Ann. §§73-11-41(l), 73-11-49(7), 73-11-55, 73-11-57 and 73-11-69 (Rev. 2012).

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-55(4)(Rev. 2008).

*Rule 4.2 Types of Establishments* ~~Each funeral establishment shall be subject to inspection and shall comply with the following requirements:~~

- ~~1. Each establishment shall have proper quarters devoted to such activities incident or related to the preparation and arrangement for the burial or other disposition, of dead human bodies from which rites and ceremonies may be conducted.~~
- ~~2. Each establishment shall have a selection room located on the property of the main establishment for persons to view available funeral merchandise or supplies. The room must contain a minimum of six (6) adult caskets or a minimum of twenty four (24) different cut casket panels. Such casket panel units shall display the details of the actual casket and shall include the contours, materials, finish and hardware of the exterior, and the colors and fabrics of the interior. It is hereby expressed that pictures, slides catalogues, or any other type of photographic or holographic display methods are not considered as display units under the provision of this regulation.~~
- ~~3. The preparation or embalming room shall meet the following requirements:~~
  - ~~A. Floors of tile, cement, linoleum, or like composition.~~
  - ~~B. Walls shall be finished tile, or other material finished with enamel, enamel paint, or other waterproof material.~~
  - ~~C. A sanitary embalming table of metal, glass, or porcelain top, with running water draining from the table into a drain connected with sewer or other proper receptacle with suitable sanitary plumbing.~~
  - ~~D. Only equipment and supplies necessary for the preparation or care of dead human bodies for disposal or transportation are to be kept in the room.~~
  - ~~E. The room shall be properly ventilated and comply in respect to ventilation with federal, state, and local laws or ordinances and regulations.~~
  - ~~F. It shall be maintained in a clean and sanitary condition at all times. All instruments and other appliances used in embalming dead human bodies shall be thoroughly cleansed.~~
  - ~~G. A source of hot and cold running water.~~
  - ~~H. Each funeral establishment must have available during regular office hours a written report, which must contain at least:~~
    - ~~i. The name of each body embalmed, the date and time that the embalming took place, the name and signature of the embalmer and his funeral service license number must be noted in said written record.~~
    - ~~ii. If the body was embalmed at another establishment, only the name and location of that funeral establishment shall be noted.~~

- iii. ~~If the embalmer is assisted by a resident trainee, his name, signature, and trainee number shall also be noted.~~
- ~~4. The funeral establishment must be under the general management and supervision of a full time person licensed for the practice of funeral service or funeral directing.~~
  - ~~5. That all embalming performed therein must be performed by a person licensed for the practice of funeral service or be a funeral service resident trainee under the direct supervision of a person licensed for the practice of funeral service.~~
  - ~~6. That the making of arrangements to provide for funeral services, financial or otherwise, and/or the selling of funeral merchandise must be conducted by a person licensed for the practice of funeral service or funeral directing and that the conducting of such funeral services, including graveside, must be made under the direction and supervision of a person licensed for the practice of funeral service or funeral directing.~~
  - ~~7. All branch establishments shall have a funeral establishment license issued by the Board. All branch establishments, except as herein provided, shall have personnel and facilities as required by this rule for funeral establishments. EXCEPTION: The following branch establishments shall be exempt from the above requirements: Any establishment if it is within seventy five (75) miles of the main establishment and can be practically served by the licensed personnel of the main establishment.~~
  - ~~8. A commercial mortuary service shall meet the requirements of a licensed funeral establishment as provided under the laws of the State of Mississippi and the rules and regulations of the Board; except a commercial mortuary service is exempted from Subsections 1 and 2 of Rule 4.2 of the rules and regulations of the Board.~~

(A) A **Full-Service Establishment** shall have the equipment for the conduct of embalming and funeral directing and shall comply with the federal Occupational Safety and Health Administration's regulations as they currently existed or as later revised. A Full-Service Establishment must contain the following:

1. A preparation room, along with all necessary equipment, in compliance with Section III below and all other local, state and federal laws, rules and regulations;
2. Restrooms facilities in compliance with all applicable federal, state and local health requirements;
3. Chapel or other separate room for conducting funeral services in compliance with Rule 4.5 hereof;
4. Office space for making arrangements in accordance with Section V hereof; and
5. Casket selection room.

(B)(1) A **Branch Funeral Establishment** that does not meet all of the requirements in Section II(1) for a Full-Service Establishment must be within seventy-five (75) miles of the Full-Service Establishment and has the authority to conduct funeral arrangements, visitations and ceremonies only. A Branch Establishment shall contain a restroom and available drinking water. In addition, a Branch Establishment that conducts funeral arrangements must have an area where funeral ceremonies or visitations may be conducted and a separate area for confidential conferences to arrange funeral services.

The license for a Branch Establishment is also dependent upon and shall be operated under the

supervision and ownership of a Full-Service Funeral Establishment.

(2) If a Branch Establishment is more than seventy-five (75) miles from the Full-Service Establishment and/or engages in the care and preparation of the dead human body, it must meet the requirements of a Full-Service Establishment.

(3)(a) A **Mortuary Service Establishment** shall have authority to embalm dead human bodies and to transport dead human bodies to and from a funeral establishment. A Mortuary Service Establishment is prohibited from the care and preparation of dead human bodies other than by embalming and shall also be prohibited from making funeral arrangements or embalming arrangements with any party other than a licensed funeral establishment designee, cremating, conducting visitations and funeral ceremonies, furnishing any funeral service in connection with the disposition of dead human bodies, and/or selling of funeral merchandise.

Mortuary Service Establishments shall meet all requirements for a full service establishment, except that:

(b) Requirements. A Mortuary Service Establishment shall have a preparation room or embalming room meeting the requirements as set forth below in Rule 4.3.

(c) Prohibition. A Mortuary Service Establishment is prohibited from maintaining a selection room.

(C) **Services limited to licensed funeral establishments.** A Mortuary Service Establishment may provide its services only to licensed funeral establishments anywhere in the United States, or in any foreign country which licenses funeral service establishments.

(D) **Crematory.** A crematory shall have authority to cremate dead human bodies and to transport dead human bodies to and from a funeral establishment. It must have a functioning cremation chamber meeting the requirements established by the Board. A Crematory is prohibited from the care and preparation of dead human bodies other than by cremating, and is also prohibited from embalming, making funeral arrangements or cremation arrangements with any party other than a licensed funeral establishment designee, conducting visitations and funeral ceremonies, furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise.

Source: Miss. Code Ann. §§ 73-11-49(7), 73-11-55 and 73-11-69 (Rev. 2012).

Source: ~~Miss. Code Ann. §§ 73-11-49(7), 73-11-51(1) and 73-11-55 (Rev. 2008).~~

*Rule 4.3 Preparation Room* A special funeral establishment work permit may be issued by the Board until the next meeting of the Board or for a period of not more than ninety (90) days, upon written notice of the owner of such establishment to the Board within fourteen (14) days if:

1. The person shown on the funeral establishment license application licensed for the practice of funeral service or funeral directing in charge full time should die or become

~~physically incapacitated and he were the only full-time licensed funeral service or funeral directing employee of that establishment;~~

- ~~2. A funeral establishment, holding a valid funeral establishment license, has been rendered inoperable or uninhabitable by a catastrophe and it becomes necessary for the funeral establishment to operate at a temporary location; or~~
- ~~3. The ownership of a funeral establishment holding a valid funeral establishment license changes, or when a corporation owning a funeral establishment has a transfer of stock which directly affects management or control of the funeral establishment holding a valid funeral establishment license.~~

~~The issuing of a special funeral establishment work permit by the Board does not exempt the licensed funeral establishment from fulfilling all the requirements as set forth in Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, or the rules and regulations of the Board concerning licensing requirements of funeral establishments. No embalming of a body of a deceased person shall be performed in a funeral establishment except in a room set aside exclusively for embalming or other preparation of a body of a deceased person (hereinafter referred to as the "preparation room"). Such preparation room and equipment, instruments and articles contained therein shall be maintained and kept in a clean and sanitary condition. The preparation room must also meet the following minimum requirements:~~

(1) Construction. The walls, floor, and ceiling must be covered with tile or other hard, smooth, impervious washable material.

The preparation room must contain at least 120 square feet of floor space. The preparation, disinfection, embalming, washing, dressing and casketing or other care of a body of a deceased person shall take place only in such room. The room shall contain only articles and equipment necessary for such preparation. The embalming table must have rust proof metal, porcelain, or fiberglass top, with edges raised at least 3/4 inches around the entire table and drain opening at the lower end.

(2) Ventilation. The room shall have permanently installed and operable exhaust fan and intake vent in accordance with the Occupational Safety and Health Act (OSHA).

(3) Equipment. The room shall be equipped and provided with hot and cold running water, a utility sink, and sufficient cabinets, closets or shelves for all instruments and supplies. The room shall contain sufficient supplies and equipment for normal operation. Nothing in this subsection, however, shall require embalming chemicals to be stored in the preparation room. The room shall have no excess equipment stored, other than equipment necessary for preparing dead human remains, and performing necessary restorative art work.

All instruments and appliances used in the embalming of a dead human body must be thoroughly cleansed and sterilized by boiling or immersion for ten minutes in a one percent solution of chlorinated soda or an equivalent disinfectant immediately at the conclusion of each embalming.

Facilities shall exist for the proper disinfection of embalming instruments and the embalming

table.

(4) Openings covered. All outside openings shall be covered with screens.

(5) Interior view. Measures must be taken to prevent a view of the interior of the room through any open door or window.

(6) No public use. The preparation room shall not have a passageway available for public use. The doors shall be tight-closing and rigid, and any windows of the room shall be so maintained as to obstruct any view into such room.

No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the Mississippi licensed funeral establishment where the human body is being embalmed, members of the family of the deceased, persons authorized by the members of the family of the deceased, or any person otherwise authorized by law.

(7) Plumbing. The preparation room shall be equipped with sanitary plumbing connected with sewer, cesspool, septic tank, or other Department of Health approved system.

(8) **Preparation room log/Case Report.** Every funeral establishment must have available in the preparation room a log book or case report. The log book or case report shall list the name of each human remains received at this location including the date and time the remains were received, the place (if other than at the establishment) the care or preparation of the remains (e.g., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, and the name, signature, and license number of the embalmer(s) and, if applicable, apprentice(s). If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and, where applicable, apprentice(s). The log book or case report must be in a binder and must be available at all times in full view for the Board inspector. A sample of the embalming log is in the Appendix to these Rules and Regulations.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

Source: ~~Miss. Code Ann. §§ 73-11-49(7), 73-11-55(8) and 73-11-56 (Rev. 2008).~~

*Rule 4.4 Selection Room.* The selection room shall be devoted solely to the purpose of providing a means for the public to make a reasonable selection of funeral service merchandise. Such selection room shall meet the following minimum requirements:

(1) Caskets. Each funeral establishment shall maintain an inventory of not less than six (6) adult caskets at the location or twenty four (24) quarter panel or a combination of both. .

(2) Equipment. The selection room shall have no excess equipment stored, other than equipment necessary for the proper display of funeral service merchandise.

(3) Condition. The room shall be maintained in a clean, neat, and orderly fashion at all times.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

Rule 4.5 Other Rooms. (1) The establishment may have other rooms, offices, and other facilities, including restrooms for the staff and public lounge areas. All rooms and facilities shall be maintained in a clean, neat, and orderly fashion at all times.

(2) In addition to the above requirements, a full service funeral establishment must, minimally, include the following.

(a) Public Viewing. A chapel or repose room, containing at least 300 square feet of floor space, to be used exclusively for public viewing and/or the conduct of funeral services.

(b) Office. An arrangement office, to be used exclusively for making funeral arrangements and for other related business matter.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

Rule 4.6 Vehicles. If offered, the funeral establishment shall have the necessary automotive vehicles to provide adequate service to the public. This shall not prohibit the establishment from arranging to lease, borrow, or otherwise arrange for extra vehicles when needed.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

Rule 4.7 Personnel.

(1) Funeral Licensee

(a) Each funeral service establishment, except the branch establishment that does not engage in the care and preparation of the body, shall have an employment, contractual or other relationship with at least one full-time licensed funeral director or funeral service practitioner who shall be designated as the licensee-in-charge of the operation of the establishment. Each establishment must have a sufficient number of other licensed individuals to adequately serve the public.

(b) The licensee-in-charge shall reside and maintain a permanent residence within seventy (75) miles of the establishment for which he or she serves as licensee-in-charge.

(c) In the event the licensee-in-charge becomes no longer in charge of said funeral establishment, then the establishment and the licensee-in-charge have the responsibility of notifying the Board of such change within fourteen (14) calendar days. In such event, a new establishment license application must be submitted along with the appropriate fee prescribed by the Board.

(D) If exigent circumstances, as determined by the Board, warrant additional time to facilitate a licensee-in-charge change, upon good cause shown and with written agreement by a licensed funeral director to assume responsibility in the interim, the Board may grant up to ninety (90) additional days for an establishment to employ the new licensee-in-charge.

(2) Licensed Funeral Service Practitioner. Each full-service funeral establishment must either employ a funeral service licensee full-time or have a funeral service licensee available to embalm dead human remains. The funeral service licensee shall be listed on the establishment application, renewal form, and in the preparation room log book or case report.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

Rule 4.8 Prohibition. The issuance of a funeral service establishment license to an individual not licensed by the Board does not entitle the individual to practice funeral directing or funeral service.

Source: Miss. Code Ann. §§ 73-11-49(7), 73-11-51, and 73-11-69 (Rev. 2012 & Supp. 2014).

Rule 4.9 License Expiration and Renewal. Once issued, all original funeral establishments' licenses shall expire on December 31 of the year of issue. Thereafter, a funeral establishment may make application for renewal of the existing original license. All renewals expire on the thirty-first day of December unless sooner revoked or canceled. The renewed license renewal application shall contain information as prescribed by the Board. All establishment licenses issued expire on the thirty-first of December for the year issued

Source: Miss. Code Ann. §§ 73-11-49(7), 73-11-55, 73-11-56 and 73-11-69 (Rev. 2012).

Rule 4.10 Transferability. No establishment license is transferable from one party to another, or from one location to another.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55(7) (Rev. 2012).

Rule 4.11 Change in Name, Ownership or Location

(1) Whenever the ownership, location, or name of the Mississippi licensed establishment is changed, a new license shall be obtained. Upon change of ownership or change of address or change of name, a new establishment license application must be submitted to the Board within thirty (30) calendar days of said change. The appropriate fees and disclosures (including percentages of ownership) must accompany the application.

(2) In the case of a change in ownership or change in name, the Board Executive Director may issue a special work permit allowing an existing establishment to continue to conduct the business of that establishment for a period of ninety (90) calendar days or until the next regularly scheduled Board. The permit must be applied for at least fourteen (14) calendar days prior to the

change.

(3) For the purpose of these rules, a change of ownership shall occur whenever the parties originally owning or holding more than a 50% stake in an entity owning the establishment are transferring ownership in the funeral establishment or entity owning the funeral establishment such that he/she/they/it no longer hold(s) more than a 50% controlling interest in the establishment or entity.

Controlling interest means i) an interest in a partnership of greater than fifty percent (50%); or greater than fifty percent (50%) of the issued and outstanding shares of a stock of a corporation. If the establishment or crematory is operated by a business entity, any transfer of the ownership of fifty percent (50%) or more of the entity constitutes a change of ownership.

(4) If a change of ownership is caused by the elimination of one (1) or more owners, for whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form shall be filed as an amended application within fourteen (14) calendar days after the change of ownership.

(5) If a corporation, individual or party begins ownership of a licensed funeral establishment or ceases ownership of a licensed funeral establishment, a new establishment license shall be obtained regardless of the relationship of the previous or subsequent owner to the corporation, individual or party.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-56 and 73-11-69 (Rev. 2012).

## **Part 2401 Chapter 5: ~~Resident Trainee~~ LICENSEE IN CHARGE**

Rule 5.1 All applications for resident traineeship must be submitted to the Board office, on forms furnished by the Board, accompanied by a non-refundable application fee, as set by the Board, and sustained by the oath of the applicant, the licensee under whom the applicant is serving, and the owner of the licensed establishment in which the applicant is serving. The licensee in charge is responsible for the day to day operation of the funeral establishment. He or she must be employed twenty-five (25) hours per week during the calendar year (January through December) at the funeral establishment and i) must be on the premises and ready to make funeral arrangements for, or to respond to, persons entering the establishment during normal business hours of the establishment or ii) must be in a position to be notified of persons entering the establishment and to respond to them in person or telephonically within two (2) hours to set up an appointment for a face to face meeting with them during normal business



hours of the establishment.

The licensee in charge shall be responsible for ensuring that all persons employed or working for the establishment comply with all applicable laws and the Board's rules and regulations. Nothing contained herein, however, shall be construed to absolve funeral establishments and other parties from liability for their violations of such laws, rules and regulations.

No licensee may serve as the licensee-in-charge of more than one (1) funeral establishment without the express written authorization of the Board. With the written authorization of the Board, a funeral directing or funeral service licensee, upon good cause shown that such is in the public interest, may serve as a licensee-in-charge of more than one (1) funeral establishment but in no event may any such individual be the licensee-in-charge of more than three (3) funeral establishments. Further, all of the establishments shall be under the same ownership, and no establishment shall be more than a seventy-five (75)-mile radius from the most centrally located establishment contained in the funeral establishment license application.

The licensee-in-charge shall reside and maintain a permanent residence within seventy-five (75) miles of the establishment for which he or she serves as the licensee-in-charge.

In the event the licensee-in-charge becomes no longer in charge of said funeral he or she must notify the Board of such change within fourteen (14) calendar days. In such event, a new establishment license application must be submitted along with the appropriate fee prescribed by the Board.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-55 (3) and 73-11-69 (Rev. 2012).

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53(1)(Rev. 2008).

~~*Rule 5.2* When a resident trainee wishes to begin his training with a person licensed for the practice of funeral service or funeral directing, as the case may be, he must submit an application as required by the Board to the Board office. After permission is granted by the Board and at any time thereafter such trainee leaves the preceptorship of the licensee whose service has been entered, both the preceptor and the trainee must notify the Board office, within thirty (30) days, in writing. If such resident trainee shall thereafter seek permission to continue his training in this State, another application shall be submitted to the Board office. The above mentioned application must be sustained by the oath of the applicant, the licensee under which the applicant is serving, and the owner of the licensed establishment in which the applicant is serving his resident traineeship.~~

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53(1) and (3)(Rev. 2008).~~

~~*Rule 5.3* A resident trainee certificate shall be renewable upon payment of the renewal fee as set by Board on the first (1<sup>st</sup>) day of January of each year, provided, however, that such funeral service resident trainee certificate may not be renewed for more than thirty six (36) consecutive~~

~~months and that such funeral directing resident trainee certificate may not be renewed for more than seventy two (72) consecutive months. The Board shall mail to each registered resident trainee in good standing at his last known address, a notice that the renewal fee is due and that if not paid by the first (1<sup>st</sup>) day of February, the penalty for the lapse in renewal will be an amount set by the Board, in addition to said renewal; provided, that the registration of any resident trainee who is actively engaged in the military service of the United States or is duly enrolled full time in a school of funeral service may, at the discretion of the Board, be held in abeyance for the duration of such service or training and such person may be relieved of such renewal fees and penalties as the Board may deem justifiable and expedient.~~

~~Source: Miss. Code Ann. §§73-11-49(7), 73-11-53(4) and 73-11-56(Rev. 2008); and Miss Code Ann. §33-1-39(Rev. 2010).~~

~~*Rule 5.4* All resident trainees registered as provided herein shall be required to report to the Board quarterly upon forms provided by the Board, showing the required work which has been completed during the past three (3) months. The data contained in said report shall be certified as to accuracy by the person licensed for the practice of funeral service or funeral directing under whom the trainee has served during such period, the owner of the licensed funeral establishment, and the trainee.~~

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53(Rev. 2008).~~

~~*Rule 5.5* Before a resident trainee shall be eligible to receive a license for the practice of funeral service, evidence must be provided on the Quarterly Reports received by the Board office that he has assisted in the embalming of at least twenty five (25) bodies, and he has assisted in the arranging and conducting of at least twenty five (25) funerals during resident traineeship. Before a resident trainee shall be eligible to receive a license for the practice of funeral directing, evidence must be provided on the Quarterly Reports received by the Board office that he has assisted in the arranging and conducting of at least twenty five (25) funerals during resident traineeship. In all applications of resident trainees for licenses for the practice of funeral service or funeral directing under Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, the eligibility of the applicant shall be determined by the records filed with the Board. Quarterly reports shall be filed with the Board office within fifteen (15) days of the end of each quarterly reporting period. Experience recorded on quarterly reports file after the fifteenth (15<sup>th</sup>) day will not be counted toward the traineeship.~~

~~Source: Miss. Code Ann. §§73-11-49(7), 73-11-51(3)(c) and (4)(d); and 73-11-53(Rev. 2008).~~

~~*Rule 5.6* The Board may, in its discretion, allow a resident trainee credit under a registration for the time actually served under a previous registration in this state; provided, that if that the previous registration has been suspended or revoked for cause, not more than seventy five percent (75%) of the time previously served shall be credited on the registration.~~

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53(Rev. 2008).~~

~~*Rule 5.7* No credit shall be allowed for resident traineeship unless that traineeship is served in this State in an establishment licensed by the Board. An applicant registered as a resident trainee must be a resident of this State, engaged full time at a licensed funeral establishment in this State, or be enrolled as a mortuary science student in a school, college, or university in this State accredited by the American Board of Funeral Service Education or any successor recognized by the United States Department of Education for funeral service education. The twelve (12) month funeral service resident traineeship must be full time (40 hours per week) engagement to be served during regular office hours (8 a.m. to 10 p.m.) for forty nine (49) weeks. The twenty four (24) months funeral directing resident traineeship must be full time (40 hours per week) engagement to be served during regular office hours (8 a.m. to 10 p.m.) for ninety eight (98) weeks. Hours worked each day by the resident trainee during his resident trainee period must be certified as to accuracy by the resident trainee, the person licensed for the practice of funeral service or funeral directing under whom the trainee has served during such hours, and by the owner or officer of the corporation of the licensed funeral establishment.~~

~~Source: Miss. Code Ann. §§73-11-49(7), 73-11-51(3)(c) and (4)(d); and 73-11-53(Rev. 2008).~~

~~*Rule 5.8* Every person licensed by the Board and every resident trainee shall furnish all information required by the Board reasonable relevant to the practice of the profession for which he is a licensee or resident trainee including a current address.~~

~~Source: Miss. Code Ann. §73-11-49(7)(Rev. 2008).~~

~~*Rule 5.9* A resident trainee training to become a funeral director shall serve under either a funeral directing or funeral service licensee. A resident trainee training to become a funeral service licensee shall serve under a funeral service licensee, except, if a funeral establishment does not have a full time funeral service licensee, said traineeship may be served under a full time funeral directing licensee and a funeral service licensee employed as a trade embalmer. Otherwise, training may be received only under one licensee at a time.~~

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53(3)(Rev. 2008).~~

~~*Rule 5.10* A resident trainee pocket certificate shall be issued by the Board and must be carried on the person of the resident trainee at all times he is service their traineeship. It shall contain such information as the Board deems necessary.~~

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53(Rev. 2008).~~

~~*Rule 5.11* Duly certified resident trainees in training for funeral service and funeral directing, while participating in learning experiences and while supervised by a person licensed by the Board as a funeral service or funeral directing licensee, respectively, may engage in the practice~~

~~of funeral service or funeral directing, respectively. When such a person so licensed by the Board is not on the premises where the activities of the resident trainee are taking place, the resident trainee shall not be deemed to be supervised as required by these rules and regulations.~~

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(1)(Rev. 2008).~~

## **Part 2401 Chapter 6: RESIDENT TRAINEE**

~~Rule 6.1 All applications for reciprocal licenses must be submitted to the Board office sixty (60) days prior to the next scheduled meeting of the Board, must be made on forms furnished by the Board, and must be accompanied by a fee as set by the Board. Definitions.~~

~~(1) “Supervision” means that a Mississippi-licensed funeral director or a Mississippi funeral service licensee, as appropriate, is:~~

~~\_\_\_\_\_ (a) Physically present with the apprentice; and~~

~~\_\_\_\_\_ (b) Personally observing and guiding the activities of the apprentice.~~

~~(2) “Supervisor” means the Mississippi-licensed funeral director or a Mississippi-funeral service licensee, as appropriate, who is the supervisor of record as registered with the Board office.~~

~~(3) “Supervisor's designee” means a Mississippi-licensed funeral director or a Mississippi funeral service licensee, as appropriate, who has been approved by the supervisor of record to supervise an apprentice and is employed by the funeral establishment.~~

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).~~

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2008).~~

~~Rule 6.2 –The applicant must satisfy the Board that he has held his license in the state from which he wishes to reciprocate, that the license is in full force and effect in that state, and the Board has determined that the applicant has met licensing qualifications at least substantially similar to the requirements of Section 73-11-51, Mississippi Code Annotated, 1972, and all rules and regulations of the Board, including attaining a score of 75% on the National Examination or other such examination consistent with the examination required pursuant to rule 3.4 of the rules and regulations of the Board. The applicant must also personally appear before the Board. Apprenticeship Registration.~~

~~(1) Each apprentice for funeral directing and funeral service shall meet the educational requirements specified in Section 73-11-51 of the Mississippi Code of 1972, as amended, and then successfully complete a funeral director or funeral service, as appropriate, apprenticeship to be considered eligible to take the license examination.~~

(2) Prior to beginning an apprenticeship, an applicant shall:

(a) File an apprenticeship application on the form prescribed by the Board; and

(b) Pay the applicable registration fee.

(3) No apprentice shall perform the practice of funeral service or the practice of funeral directing unless the apprentice is doing so under the personal supervision of a Mississippi licensed funeral service practitioner or funeral director.

(4) The funeral directing or funeral service apprentice registration or certification authorizes the apprentice to engage in the practice of funeral directing or funeral service only during the period of apprenticeship. Once the apprenticeship has ended, the funeral apprentice registration shall become null and void.

(5) The apprenticeship shall be served only at the funeral establishment and locations designated in the Board records.

(6) The effective date of the apprenticeship will be the date identified on the Board issued apprenticeship certificate. A letter will be sent notifying the apprentice of the status of his or her apprenticeship or application.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-51(1) and (3) and 73-11-53 (Rev. 2012).

Source: ~~Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2008).~~

~~Rule 6.3—No reciprocal license shall be issued on a reciprocal license.—~~*Supervisor.*

(1) An apprenticeship shall be served under the Board-approved supervisor.

(2) Funeral service licensees and funeral directing licensees who seek approval from the Board as a supervisor of record shall:

(a) Be working and located in the same licensed establishment or establishments as the apprentice he or she is supervising; and

(b) Be responsible for ensuring that the apprentice complies with the provisions of Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the administrative rules and regulations of the Board.

(3) Apprentices may receive supervision by licensees other than the supervisor of record as designated by the approved supervisor and as filed for record in the Board's office. However, the supervisor of record that approve other licensees to provide supervision for an apprentice shall remain responsible for the actions of the apprentice and for the quality of the delegated supervision.

(4) Any time served in a funeral directing or funeral service apprenticeship under the direction or supervision of any person other than the Board approved supervisor or supervisor's designee shall not be credited toward the apprenticeship requirements

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

Source: Miss. Code Ann. §73-11-49(7)(Rev. 2008).

~~Rule 6.4—The acceptance of the application as a basis for granting of a reciprocal license is within the sound discretion of the Board.~~ *Supervision of Apprentices.*

(1) No credit shall be allowed for resident traineeship unless that traineeship is served in this State in an establishment licensed by the Board.

(2) Supervision of funeral service apprentices. The funeral service apprentice must assist in the embalming of at least twenty-five (25) human bodies and must also assist in the planning and disposition of human bodies, as described below in subsection (6) (b) of this Rule, which must be completed during no less than twelve (12) and no more than twenty-four (24) continuous months under the personal supervision of the Board approved supervisor or designee.

(3) Supervision of funeral director apprentices. The funeral directing apprentice must assist in the planning of at least fifty (50) funerals or dispositions, as described below in subsection(6)(c) of this Rule, which must be completed during no less than twenty-four (24) and no more than thirty (30) continuous months under the personal supervision of the Board approved supervisor or designee.

(4) The apprentice shall maintain a work schedule documenting the sixty-four (64) hours per month that he or she has worked at the location of the apprenticeship. The work schedule shall identify:

(a) The daily work schedule of the apprentice, including beginning and ending times; and

(b) The days on which the apprentice does not work.

(5)The Board may, in its discretion, allow a resident trainee credit under a registration for the time actually served under a previous registration in this state; provided, that if the previous registration has been suspended or revoked for cause, not more than seventy-five percent (75%) of the time previously served shall be credited on the registration.

(6) The supervisor shall instruct an apprentice and ensure that an apprentice receives experience in all aspects of funeral directing or embalming, as applicable to the individual's apprenticeship.

(a) The instruction shall include:

i. The laws and rules relating to the profession, including Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the rules and regulations of the Board; and

ii. The theory and application of funeral directing or embalming.

(b) The training and work assignments for the funeral service apprentice shall cover the following service items:

i. Initial call details;

ii. Removals;

iii. Embalming;

iv. Restorative art treatment;

v. Posing of the features and positioning of the body;

vi. Bathing and cosmetizing of bodies;

vii. Dressing and casketing of bodies;

viii. Recordkeeping;

ix. Purchasing of necessary supplies;

x. Preparation of autopsied bodies;

xi. Care and maintenance of equipment and embalming room; and

xii. Professional responsibility.

(c) The training and work assignments for the funeral directing apprentice shall cover the following service items:

i. Initial call details;

ii. Removals;

iii. Counseling of families on the types of services and merchandise available;

iv. Arrangements of funeral services and merchandise;

v. Preparing death certificates and documents;

vi. Preparing applications for certain death benefits, such as Social Security, Veterans Administration, insurance companies and lodges;

vii. Preparing newspaper notices;

viii. Conducting visitations or memorial services;

ix. Directing funerals and graveside services;



- x. Follow-up service to the family after the funeral service has been completed;
- xi. Recordkeeping;
- xii. Purchasing of necessary supplies;
- xiii. Caring for equipment and premises; and
- xiv. Professional responsibility.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2008).~~

~~*Rule 6.5—Termination, Changing and Reestablishing an Apprenticeship*~~ ~~The Administrator may issue a temporary funeral service or funeral directing work permit before a license is granted, prior to the next regular meeting of the Board, if in the Administrator's opinion, the applicant for reciprocal license has met all requirements state above. Before a permanent license may be issued the applicant must meet with the Board at the next regularly scheduled meeting after the issuance of the work permit. Failure to meet the Board shall deem the application for reciprocity as abandoned. The temporary permit shall expire at the next regular meeting of the Board.~~

(1) The certificate of apprenticeship must be issued to the applicant as an apprentice to a specified licensee. If the apprentice intends to change the licensee to whom apprenticed, he or she must immediately file a request for approval of the transfer with the Board and pay the required fee.

(2) The apprentice shall notify the Board in writing of any termination of employment, change of supervisor or change of employment within fourteen (14) calendar days of the termination or change. Notice of a change of supervisor or change of employment must include the name of the apprentice and the date on which the termination or change occurred.

(3) A supervisor shall notify the Board in writing of any termination of employment, change of supervisor or change of employment of an apprentice within fourteen (14) calendar days of the termination or change. Notice of a change of supervisor must include the date on which the termination or change occurred.

(4) An apprentice whose apprenticeship is terminated at the establishment originally identified to the Board shall, within fourteen (14) days of being employed by another establishment:

(a) Notify the Board in writing of the change in employment and apprenticeship; and

(b) Complete a new registration as set out in Rule 6.2 of this Rule which is signed by the funeral directing or funeral service licensee who will be the apprentice's new supervisor of record.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

~~Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2008).~~

~~*Rule 6.6 Quarterly Reports* The Board may enter into written reciprocity agreements with other state boards of a similar nature with the advice and of the Attorney General's Office of the State of Mississippi. The Board will reciprocate with other states on the same basis that each state will reciprocate with Mississippi.~~

(1) An apprentice shall file quarterly reports with the Board on forms approved by the Board concerning the apprentice's progress during the preceding three (3) months in the practice of funeral directing or funeral service, as appropriate.

Quarterly case reports must be signed by both the apprentice and the approved licensee under whose supervision the work was done, and filed with the Board or postmarked by the fifteenth (15<sup>th</sup>) calendar day of the following month.

(2) The quarterly apprenticeship report shall include the following information:

(a) The names and dates of funerals in which the apprentice for a funeral director's license assisted in managing during each three-month period;

(b) The names and dates of embalming cases in which the funeral service apprentice assisted during each three (3)-month period; and

(c) The names of the service items set forth above in Section 4 of specifically identified for each case in which the apprentice assisted during each three (3)-month period.

(3) With the first quarterly report, an apprentice shall file a report written by him or her summarizing the requirements of Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the Board's rules and regulations.

(4) If the apprentice has received supervision from funeral directing or funeral service licensee other than the supervisor identified on the application for apprenticeship, the supervisor of record shall still be responsible for:

i) The activities of the apprentice;

ii) Quarterly report; and

iii) The certification of completion of cases and service items identified in the report.

(5) If the quarterly report is not timely submitted, that quarter shall not be counted toward successful completion of the apprenticeship. Timely submission of a quarterly report shall be within fifteen (15) calendar days following the conclusion of the quarter.

(6) The quarterly apprenticeship reports shall be reviewed by the Board and/or its designee to determine if the apprentice's progress in the practice of funeral directing or funeral service, as applicable, is acceptable or unacceptable.

(7) The apprentice and his or her supervisor must furnish records documenting his supervision to

the Board upon request of the Board or its designee or representative.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

Source: ~~Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2008).~~

*Rule 6.7 End of Apprenticeship Term.*

(1) An apprentice or resident trainee certification is valid only for twelve (12) months. Subject to Rule 6.8 and the approval of the Board, the funeral apprenticeship certification may be renewed upon application of the apprentice and payment of the required fee.

(2) Supervision. If the Board determines that the progress of the apprentice is unacceptable in one or more of the quarters of the apprenticeship, the apprentice shall be required to successfully complete one or more additional quarters of the funeral apprenticeship.

(3) If an apprentice does not become licensed as a funeral director or funeral service practitioner within five (5) years of completing his or her apprenticeship, the Board may require the individual to complete all or part of the apprenticeship period.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

*Rule 6.8 Re-registration*

Any person who is registered as a Mississippi funeral directing apprentice is required to complete this apprenticeship for funeral directing within thirty (30) months of the date of the Board-issued certification. The funeral service apprentice must complete this apprenticeship within eighteen (18) months of the date of certification issued by the Board.

The funeral directing and funeral service apprenticeship is not intended as a long-term method of practicing funeral directing and/or funeral service in the absence of progress toward licensure. Accordingly, a funeral directing apprentice shall not be allowed to register with the Board for more than two (2) apprenticeship periods, unless otherwise approved by the Board for good cause demonstrated by the apprentice. A funeral service apprentice shall not be allowed to register with the Board for more than three (3) apprenticeship periods, unless otherwise approved by the Board for good cause demonstrated by the apprentice.

The funeral director or funeral service apprentice certification authorizes the trainee to engage in the practice of funeral service or funeral directing only during the period of the Board-approved apprenticeship. Once the apprenticeship is successfully completed as defined by these rules and regulations, the funeral director or funeral service apprentice registration or certification becomes null and void and the individual will no longer be authorized to act as an apprentice but must obtain the appropriate license from the Board in order to practice funeral service or funeral directing.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-53 (Rev. 2012).

**Part 2401 Chapter 7: ~~Refusal to examine, grant, or renew licenses; Revocation or suspension; Grounds; Hearings~~ Reciprocity (Out-of-State Licenses)**

*Rule 7.1* ~~The Board may refuse to examine, or issue or renew, or reprimand, or may suspend or revoke, any license, or may place the holder thereof on a term of probation, after proper hearing, upon finding the holder of such to be guilty of acts of commission including the following:~~

- ~~1. A license has been issued through error to any person or establishment.~~
- ~~2. Making a false statement or representation regarding the qualification, training, or experience of any application for training, examination, and licensing.~~
- ~~3. Gross or willful malpractice of the science of embalming or funeral directing, including but not limited to detaining a dead human body for payment for unauthorized services.~~
- ~~4. Knowingly and willfully making a false statement to the Board.~~
- ~~5. Knowingly, willfully, fraudulently, and/or falsely signing a death certificate as having embalmer or prepared a body when in fact someone else did it or signing the name and license number of an embalmer who did not embalm the body.~~
- ~~6. Solicitation of dead human bodies for the purpose of having the body turned over to a particular establishment, or coercing or discouraging the removal of a dead human body from one establishment to another by detaining a dead human body for a fee in the absence of an agreement authorizing services to be rendered said agreement having been executed by a person with legal authority to do so. Each funeral establishment shall keep a record of the name, address and relationship to the deceased of each person authorizing services and the date of said authorization.~~
- ~~7. When an owner, partner, or officer of the funeral establishment violates any provision of Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, or any rule or regulation of the Board, or when an agent or employee of the funeral establishment, with the consent of any person, firm, or corporation operating the funeral establishment, violates any of those provisions, rules, or regulations.~~

Applicants for licensure by reciprocity/endorsement who hold a valid license from another state may be eligible for licensure in Mississippi provided:

1. The applicant must submit the required license application and all appropriate fees
2. The applicant provides evidence satisfactory to the Board that he or she holds a valid, unrevoked, and unexpired license as a funeral service practitioner or funeral director in another state having substantially similar requirements to the requirements for licensure as either an embalmer or funeral director in this state including a copy of his/her original license issued by the other state.
3. The applicant possesses a license in good standing in all states in which the applicant is licensed.
4. The applicant must not be the subject of any pending or unresolved complaint, investigation or disciplinary proceeding or action in any state or jurisdiction in which the applicant holds or has held a license. The applicant must provide all information, including any information or documentation requested by the Board, in connection

with any pending or unresolved complaint, investigation or disciplinary action for the Board's review. The pendency of any complaint or disciplinary action or proceeding will be considered by the Board as a reason for denying licensure by reciprocity.

5. The Board receives a certification from the licensing board of the state or territory from which the applicant seeks a reciprocal license showing the applicant to be in good standing with the Board and whether the reciprocal applicant has ever been subject to discipline or if there are any complaints pending against the reciprocal applicant.
6. The applicant provides proof of his or her educational and professional qualifications which shall be substantially equivalent to the requirements existing in Mississippi at the time he or she was originally licensed.
7. Sufficient evidence is presented to the Board showing that the applicant has achieved a score of seventy-five percent (75%) or better on the National Board Funeral Service Arts Examination provided by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, if applying for only a funeral director license; or

For reciprocal license issued from and after 2002, sufficient evidence must be presented to the Board showing that the applicant for a funeral service license has achieved a score of seventy-five percent (75%) or better on the National Board Funeral Service Arts Examination and a score of seventy-five percent (75%) or better on the National Board Funeral Service Examination administered by the National Conference of Funeral Service Examining Boards; or

For reciprocal license issued prior to 2002, the applicant for reciprocal funeral service licensure must show evidence satisfactory to the Board that the applicant has successfully passed the National Board Examination as administered by the National Conference of Funeral Service Examining Boards. The examination must have included two (2) sections, funeral service arts and funeral service sciences, and the applicant must have received a cumulative average score of at least 75 percent on the sections with not less than 70 percent on either of these two sections. The applicant must also provide documentation satisfactory to the Board, including an attestation from his or her employing funeral establishment, showing that the applicant has been engaged in the active practice of funeral service as a licensed embalmer and licensed funeral director continuously for a minimum of five (5) years immediately before the date of the Board's receipt of the reciprocal application.

8. The applicant must not have committed any act which could result in denial of a license or discipline pursuant to Section 73-11-57 of the Mississippi Code of 1972, as amended.
9. The applicant must not have been subject to any disciplinary action in any state or other jurisdiction related to the practice of funeral directing of funeral service or related to any other profession for which the applicant is licensed, certified, registered or legally recognized to practice including resignation from practice, revocation, suspension,

withdrawal or surrender of the applicant's license, certificate or registration as a result of or during the pendency of disciplinary proceedings or investigation for potential disciplinary action.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2012 & Supp. 2014).

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-57(1)(Rev. 2008).

*Rule 7.2* ~~It shall be the duty of the Board or its designee to investigate or prefer charges, or both, upon finding of cause, against any licensee who is accused of violating any law, rule, or regulation of the State Board of Funeral Service or is accused of gross or willful malpractice of the practice of funeral service or funeral directing, or the science of embalming. Upon initiation of such investigation written certified notice shall be given to the licensee of the alleged violations(s):~~

- ~~1. Whenever the Board shall have cause to believe that any person to whom a license has been issued has become unfit to practice as a funeral service or funeral directing licensee, or has violated any of the provisions of Section 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, or any rule or regulation of the Board, or whenever written complaint, on forms furnished by the Board, charging the holder of a license with the violation of any provision of Section 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, or any rule or regulation prescribed, is filed with the Board, it shall be the duty of the Board to conduct an investigation within thirty (30) days of the receipt of the complaint. Upon receipt of notification to a formal complaint the licensee must make a written response to the complaint within twenty (20) days from receipt thereof. Failure to respond to the complaint shall be deemed as admission of the allegations contained therein.~~
- ~~2. If from such investigation it shall appear to the Board that there is cause to suspect that the alleged violations have been committed, the licensee shall be notified by the certified mail of the alleged facts and violations and that these allegations could lead to suspension or revocation of his license. The Board may, after notice of hearing and upon satisfactory proof that the applicant or licensee is guilty of the violations enumerated in the notice the Board shall take such action as is deemed appropriate by the Board. In addition to any penalty levied by the Board the respondent shall be assessed with the costs of the hearing, including the cost of service of process, court reporters, expert witnesses and investigators. If the licensee acknowledges the alleged violations in writing, then no hearing shall be required and the Board shall take such action as it deems appropriate. Any member of the Board shall have the right to administer oaths to witnesses.~~
- ~~3. If the agency finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.~~
- ~~4. Appeals of the decisions of the Board shall be perfected in a manner consistent with Section 73-11-57 of the Mississippi Code of 1972, amended. The expenses of the appeal shall be borne by the appealing party.~~
- ~~5. Appeals of the decisions of the Board shall be made according to Section 73-11-57 of the Mississippi Code Annotated, 1972.~~

All applications for reciprocal licenses must be submitted to the Board office sixty (60) days prior to the next scheduled meeting of the Board, must be made on forms furnished by the Board, and must be accompanied by a fee as set by the Board.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2012 & Supp. 2014).

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-57(Rev. 2008).

Rule 7.3 No reciprocal funeral service or funeral director license will be issued on the basis of another reciprocal.

Source: Miss. Code Ann. §73-11-49(7)(Rev. 2012).

Rule 7.4 The acceptance of the application as a basis for granting of a reciprocal license is within the sound discretion of the Board.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7)(Rev. 2012 & Supp. 2014).

Rule 7.5 The Executive Director or Board designee may issue a temporary funeral service or funeral directing work permit before a license is granted, prior to the next regular meeting of the Board, if in the Executive Director's or designee's opinion, the applicant for reciprocal license has met all requirements state above. Before a permanent license may be issued the applicant must meet with the Board at the next regularly scheduled meeting after the issuance of the work permit. Failure to meet the Board shall deem the application for reciprocity as abandoned and shall require a new application process. The temporary permit shall expire at the next regular meeting of the Board, unless the permit is extended in accordance with Rule 3.5 of these Rules and Regulations

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-51(7) (Rev. 2012 & Supp. 2014).

## **Part 2401 Chapter 8: ~~Pricing~~ Refusal to examine, grant, or renew licenses; Revocation or suspension; Grounds; Hearings**

Rule 8.1 At the time funeral arrangements are made and prior to the time of rendering the service and providing the merchandise, a funeral director or funeral service licensee shall give or cause to be given to the person or persons who authorizes the services and is responsible for payment of the expenses therefore, an itemized written statement, in a manner and in a form in compliance with the Federal Trade Commission Funeral Industry Practices Rule, 16 C.F.R. Part 45. A copy of such written statement shall be kept by the funeral establishment for a period of three (3) years.

The Board may refuse to examine, or issue or renew, or reprimand, or may suspend or revoke, any license, or may place the holder thereof on a term of probation, after proper hearing, upon finding the holder of such to be guilty of acts of commission including the following:

1. A license has been issued through error to any person or establishment.

2. Making a false statement or representation regarding the qualification, training, or experience of any application for training, examination, and licensing.
3. Gross or willful malpractice of the science of embalming or funeral directing, including but not limited to detaining a dead human body for payment for unauthorized services.
4. Knowingly and willfully making a false statement to the Board.
5. Knowingly, willfully, fraudulently, and/or falsely signing a death certificate as having embalmer or prepared a body when in fact someone else did it or signing the name and license number of an embalmer who did not embalm the body.
6. Solicitation of dead human bodies for the purpose of having the body turned over to a particular establishment, or coercing or discouraging the removal of a dead human body from one establishment to another by detaining a dead human body for a fee in the absence of an agreement authorizing services to be rendered said agreement having been executed by a person with legal authority to do so. Each funeral establishment shall keep a record of the name, address and relationship to the deceased of each person authorizing services and the date of said authorization.
7. Violation of any provision of the laws, rules or regulations pertaining to the practice of funeral directing or funeral service or funeral establishment.
8. Failure of a licensee to make all records available for inspection or examination upon request by the Board or Board designee, or failure to otherwise fully cooperate with any inspection or investigation of a licensee, including failure to comply with a subpoena issued by the Board or to respond to a Board inquiry or communication within the time specified by the Board.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-57(1)(Rev. 2012).

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-61(Rev. 2008).

*Rule 8.2* It shall be the duty of the Board or its designee to investigate or prefer charges, or both, upon finding of cause, against any licensee who is accused of violating any law, rule, or regulation of the State Board of Funeral Service or is accused of gross or willful malpractice of the practice of funeral service or funeral directing, or the science of embalming. Upon initiation of such investigation written certified notice shall be given to the licensee of the alleged violations(s):

1. Whenever the Board shall have cause to believe that any person to whom a license has been issued has become unfit to practice as a funeral service or funeral directing licensee, or has violated any of the provisions of Section 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, as amended or any rule or regulation of the Board, or whenever written complaint, on forms furnished by the Board, charging the holder of a license with the violation of any provision of Section 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, as amended,



or any rule or regulation prescribed, is filed with the Board, it shall be the duty of the Board to conduct an investigation. Upon receipt of notification to a formal complaint the licensee must make a written response to the complaint within twenty (20) days from receipt thereof. Failure to respond to the complaint shall be deemed as admission of the allegations contained therein.

2. If from such investigation it shall appear to the Board that there is cause to suspect that the alleged violations have been committed, the licensee shall be notified by the certified mail of the alleged facts and violations and that these allegations could lead to suspension or revocation of his license. The Board may, after notice of hearing and upon satisfactory proof that the applicant or licensee is guilty of the violations enumerated in the notice the Board shall take such action as is deemed appropriate by the Board. In addition to any penalty levied by the Board the respondent shall be assessed with the costs of the hearing, including the cost of service of process, court reporters, expert witnesses and investigators. If the licensee acknowledges the alleged violations in writing, then no hearing shall be required and the Board shall take such action as it deems appropriate. Any member of the Board shall have the right to administer oaths to witnesses.
3. If the agency finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.
4. The Board chair may grant a continuance of a hearing for good cause shown. Requests for continuances will be made in writing. The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing. The Board will grant no more than two (2) continuances.
5. Appeals of the decisions of the Board shall be perfected in a manner consistent with Section 73-11-57 of the Mississippi Code of 1972, amended. The expenses of the appeal shall be borne by the appealing party.
6. Appeals of the decisions of the Board shall be made according to Section 73-11-57 of the Mississippi Code of 1972, as amended.

Source: Miss. Code Ann. §§73-11-49(7) and 73-11-57(1) (Rev. 2012).

## **Part 2401 Chapter 9: DISCLOSURES**

***Rule 9.1.*** Funeral providers shall make all disclosures required by the rules of the Federal Trade Commission (FTC) and shall provide accurate and up-to-date information on price lists for funeral goods and services offered. Copies of the price lists used by the funeral establishment or funeral provider must be on file with the Board before the list is used.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1) (p) (v), and 73-11-61 (Rev. 2012).

**Rule 9.2.** General Price List (GPL). The funeral provider must give a printed or typewritten GPL for retention to persons who inquire in person about funeral goods or funeral services offered by the funeral establishment. The funeral provider must present the GPL for retention to the person with whom he or she begins discussion of any of the following: the type of funeral or disposition; prices of funeral goods or funeral services; or specific funeral goods or funeral services offered by the funeral establishment.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1) (p) (v), and 73-11-61 (Rev. 2012).

**Rule 9.3.** Casket and outer burial container price lists (CPL and OBCPL). The funeral provider must show a printed or typewritten price list to people who inquire in person about the offering or prices of funeral merchandise including caskets, alternative containers and outer burial containers. The price list must be offered upon the beginning of discussion of, but in any event before showing the funeral merchandise. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information required by the FTC on the printed or typewritten list, and display it in a clear and conspicuous manner on or immediately next to the merchandise or service.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1) (p) (v), and 73-11-61 (Rev. 2012).

**Rule 9.4.** Price lists must reflect the prices that the funeral establishment or provider will actually charge the consumer for the funeral goods and services selected. Price Lists shall contain the information included in:

Appendix I – General Price List;

Appendix II – Casket Price List, Outer Burial Container Price List

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1)(p)(v), and 73-11-61 (Rev. 2012).

## **Rule 9.5 STATEMENTS OF FUNERAL GOODS AND SERVICES SELECTED**

**1.** Every funeral establishment and/or the funeral directing or service licensee shall give or cause to be given to the person or persons making funeral arrangements, at the time such arrangements are completed and prior to the time of rendering the service and/or providing the merchandise, a written statement showing:

- \_\_\_\_\_ A. the price of the service that the person or persons have selected and what is included therein;
- \_\_\_\_\_ B. the price of each of the supplemental items of service and/or merchandise required;
- \_\_\_\_\_ C. the amount involved for each of the items for which the firm will advance monies as an accommodation of the family; and

D.        the method of payment.

2.        If the funeral establishment charges for purchasing a cash advance item, or if it receives and retains a rebate, commission, or trade or volume discount for a cash advance item, it must make the following disclosure:

“We charge you for our services in obtaining: (specify cash advance items).”

3.        At the conclusion of arrangements, the itemized statement of goods and services shall be signed by the purchaser or consumer and the funeral service or directing licensee.

4.        Form of the statement is included in: Appendix III – Itemized Statement of Funeral Goods and Services Selected.

Source: Miss. Code Ann. §§73-11-49(7), 73-11-57(1) (p) (v), and 73-11-61 (Rev. 2012).